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STATE OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION Nos.: 4-00-190, 4-00-191, & 4-00-192

APPLICANT: Trey Trust

PROJECT LOCATION: 1401, 1405, & 1409 Cold Canyon Rd., Calabasas, Los Angeles County

PROJECT DESCRIPTIONS: These applications are for proposed development on three separate, contiguous parcels owned by the applicant.

CDP Application 4-00-190 (1409 Cold Canyon Road)

The applicant is proposing to construct a 28,100 sq. ft. single family residence with attached garage, detached garage, pool and spa, 11,650 sq. ft. gym, tennis court, 750 sq. ft. teahouse pavilion, playing field, private sewage disposal system, access roads, fencing, and walls; realign the access road; perform 14,876 cu. yds. of grading; demolish the existing single family residence, garage, pool, greenhouse, barn, guest house site, and horse corrals; restore disturbed areas including 10,500 cu. yds. of restorative grading; and offer to dedicate a 13.34 acre parcel as open space and 3.5 acres on site as a conservation easement (as more fully described below in the project description).

CDP Application 4-00-191 (1405 Cold Canyon Road)

The applicant is proposing to construct a 2,800 sq. ft. addition to the existing 2,500 sq. ft. single family residence, attached garage, 430 sq. ft. security station with attached carport, entry gates, garden and retaining walls, fencing, and private sewage disposal system; realign the access road; and perform 995 cu. yds. of grading; demolish part of the existing single family residence; restore disturbed areas on site; and offer to dedicate a 13.34 acre parcel as open space (as more fully described below in the project description).

CDP Application 4-00-192 (1401 Cold Canyon Road)

The applicant is proposing to construct a 6,700 sq. ft. single family residence with attached garage, 750 sq. ft. guest house with attached garage, private sewage disposal systems, walls, and fencing; realign the access road; perform 1,934 cu. yds. of grading; demolish the existing residence, guest house, sheds, tennis court, access roads, horse corrals, barn, and water tank; restore disturbed areas on site, including 13,500 cu. yds. of restorative grading; and offer to dedicate a 13.34 acre parcel as open space, 54.8 acres of the site as a conservation easement, a 20 ft. wide public trail easement (as more fully described below in the project description).

	<u>CDP 4-00-190:</u>	<u>CDP 4-00-191:</u>	<u>CDP 4-00-192:</u>
Lot Area:	14.62 acres	5.38 acres	68.92 acres
Building Coverage:	30,930 sq. ft.	5,200 sq. ft.	6,150 sq. ft.
Paved Area:	5,030 sq. ft.	24,080 sq. ft.	3,040 sq. ft.
Landscaped Area:	87,000 sq. ft.	41,000 sq. ft.	18,000 sq. ft.
Unimproved Area:	493,352 sq. ft.	167,909 sq. ft.	2,975,793 sq. ft.
Ht. Abv. Ext. Grade:	34 ft.	29 ft.	34 ft.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with fifteen (15) special conditions regarding geotechnical engineering recommendations, landscape and erosion control, removal of natural vegetation, wildfire waiver, drainage and polluted runoff, restoration and monitoring of environmentally sensitive and disturbed habitat areas and oak tree resources, revised plans, removal of gate, condition compliance, and required approvals. The applicant has submitted applications for Coastal Development Permits 4-00-190, 4-00-191, and 4-00-192, which propose development on three separate, contiguous parcels located at 1401, 1405, and 1409 Cold Canyon Road. Due to the related nature of these three applications, the proposed development on all three parcels will be addressed in one staff report. The project sites are located approximately one half of a mile south of Mulholland Highway, on the west side of Cold Canyon Road, in the Calabasas area of Los Angeles County. In sum, the subject properties comprise approximately 89 acres.

These projects include the construction of two new single family residences, guest house, tea pavilion, gym, tennis court, and ball field. In addition, the applicant is also proposing to construct an addition to a third existing single family residence and remodel the interior of an existing guest house. The projects also include the demolition of two existing single family residences, guest house, greenhouse, storage building, stables, corrals, and tennis court. Further, the applicant has voluntarily proposed to perform major restoration of significant environmental resources that have been largely disturbed on these sites through both permitted and unpermitted activity. The restoration area includes a blueline stream, riparian woodland, oak woodland, chaparral, and freshwater marsh areas. Portions of the area to be restored lie within an area designated as an environmentally sensitive habitat area due to the riparian and oak woodland. Lastly, the applicant has also voluntarily proposed to dedicate 58.3 acres of the subject sites as a conservation easement, a 20 foot wide public hiking and equestrian trail easement across one of the subject sites, and a 13.34 acre off site parcel located to the west of the subject sites as open space. The project descriptions are described in further detail, below.

In 1987, the Commission approved two single family residences (one of which was substantial in size), a tennis court, and 21,600 cubic yards of grading on the subject properties. Later, in 1988, the Commission approved two guest houses, storage building, and greenhouse, with no additional grading. Further, in 1999, the Commission approved an additional access driveway and a pond on the sites. Although the previous permit issued for this site required as a special condition an offer to dedicate a portion of the site as open space and a trail easement, the current applicant is voluntarily offering to dedicate a substantially larger portion of the subject sites as a conservation easement, including the area previously offered as open space. Further, the trail easement offered by the applicant is in the same location and will be the same width and length as the offer under the previously approved permit. These new offers will supersede the previous dedications and provide for public access along this trail and protect on site resources under the conservation easement. Further, the applicant's offer to dedicate an undeveloped 13.34 acre parcel, as open space will also protect that site's natural resources and habitat value.

The proposed development, as conditioned below, and proposed restoration and mitigation measures will ensure that the project will not result in any significant adverse impacts to access, visual resources, environmental sensitive habitats, or water quality. The proposed restoration program will enhance the degraded Riparian Woodland, Oak Woodland, Chaparral, and

SUMMARY OF STAFF RECOMMENDATION (Continued)

Freshwater Marsh Plant Communities on the subject sites. In addition, the proposed development has been designed to ensure geologic and site stability. Therefore, the Commission finds, that the proposed development, as conditioned is consistent with the Chapter 3 policies of the Coastal Act.

LOCAL APPROVALS RECEIVED: Shown on *Appendix A*.

SUBSTANTIVE FILE DOCUMENTS: Shown on *Appendix B*.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permits as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMITS:

The Commission hereby approves the Coastal Development Permits for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permits complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permits are not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of these permits and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, these permits will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit(s) must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **Plans Conforming to Geotechnical Engineer's Recommendations**

All recommendations contained in the reports prepared by GeoConcepts, Inc., including those dated May 24, 2000; July 24, 2000; November 15, 2000; and December 19, 2000 shall be incorporated into all final design and construction, including recommendations concerning foundations, grading, and drainage, and must be reviewed and approved by the consultant prior to commencement of development. Prior to issuance of Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require amendment(s) to the permit(s) or new Coastal Development Permit(s).

2. **Landscaping and Erosion Control Plans**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit landscaping and erosion control plans, prepared by a licensed landscape architect or qualified resource specialist, for review and approval by the Executive Director. The landscaping and erosion control plans shall be reviewed and approved by the consulting geotechnical engineer to ensure that the plans are in conformance with the consultant's recommendations. The plans shall incorporate the following criteria:

A) **Landscaping Plan**

- 1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within thirty (30) days of completion of the proposed development. To minimize the need for irrigation and to screen and soften the visual impact of development, all landscaping shall consist of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated February 5, 1996, and shall be compatible with the character of the surrounding native environment. Invasive, non-indigenous plant species that tend to supplant native species shall not be used. The plan shall specify the erosion control measures to be implemented and the materials necessary to accomplish short-term stabilization, as needed on the site.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains, compatible with the surrounding environment, including Riparian Woodland, Oak Woodland, Chaparral, and Freshwater Marsh Plant Communities, using accepted planting procedures, and consistent with fire safety requirements. Such planting shall be adequate to provide ninety (90) percent coverage within two (2) years, and this requirement shall apply to all disturbed and graded soils;

- 2) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
- 3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment(s) to the Coastal Development Permit(s), unless the Executive Director determines that no amendment is required.
- 4) The Permittee shall submit an approved long-term fuel modification plan for the proposed development pursuant to this special condition that provides for the most minimal disturbance feasible to on site resources, including riparian woodland, oak woodland, freshwater marsh and chaparral habitat. The fuel modification plan shall include details regarding the types, sizes, and location of plant or tree materials to be removed, and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Forestry Department of Los Angeles County. Plantings shall be selected from the most drought tolerant species or subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains, and be compatible with the surrounding environment, including oak woodland and chaparral habitat.
- 5) Fencing along the property boundaries of the site shall be of a design that is permeable to wildlife.

B) Interim Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than thirty (30) days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- 4) In addition to other fencing/flagging requirements, as set forth in subparagraph 1) above, the plan shall require the placement of temporary protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. Other than as specifically approved under these permits, no construction, grading, staging, or materials storage shall be allowed within the fenced exclusion areas, or within the protected zones of any on site oak trees.

C. Monitoring

Five (5) years from the date of completion of the proposed development, the applicant shall submit for the review and approval of the Executive Director a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape

plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to these permits, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed landscape architect or qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

3. Removal of Natural Vegetation

Removal of natural vegetation for the purpose of fuel modification for the development approved pursuant to these permits shall not commence until the local government has issued a building or grading permit(s) for the development approved pursuant to these Coastal Development Permits.

4. Wildfire Waiver of Liability

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

5. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if amendment(s) or new Coastal Development Permit(s) are required to authorize such work.
- (e) Drainage shall be directed away from all root zones of all on site oak trees.

6. Restoration and Monitoring of Disturbed and Environmentally Sensitive Habitat Area and Oak Tree Resources

The applicant shall retain the services of an independent biological consultant or arborist with appropriate qualifications acceptable to the Executive Director. The biological consultant or arborist shall be present on site during construction of the driveway and during all grading and construction activity. Protective fencing shall be used around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction or grading activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by Coastal Development Permits 4-00-190, 4-00-191, and 4-00-192. This monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

The applicant shall also implement all riparian, chaparral, oak woodland, freshwater marsh, and oak tree restoration and preservation measures enumerated in the reports and correspondence prepared by Geo Safety, Inc., dated January 3, 2001; January 2, 2001; December 21, 2000; December 12, 2000; December 4, 2000; November 7, 2000; August 15, 2000; July 24, 2000; and April 19, 2000. The applicant shall retain qualified biologist, arborist, or other resource specialist to monitor the riparian woodland, freshwater marsh, and chaparral restoration for a period of five (5) years minimum. The applicant shall also retain a qualified oak tree consultant to monitor the following oak trees (as identified in the "Preliminary Biological Survey & Restoration Proposal," prepared by Geo Safety, Inc., dated April 19, 2000), for a period of ten (10) years minimum: 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27,

28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102.

As required in past Commission actions, an annual monitoring report on the riparian woodland, freshwater marsh, and chaparral restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the five years. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, a replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement plant or tree locations, size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful. An annual monitoring report on the oak tree restoration and preservation shall be submitted for the review and approval of the Executive Director for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed development, the applicant shall plant seedlings, less than one year old, grown from acorns collected in the area, at a ratio of at least 10:1. If replacement plantings are required, the applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

For those oak trees that have died on site due to activities without the benefit of a Coastal Development Permit, including those oak trees numbered 6, 18, and 52, replacement seedlings, less than one year old, grown from acorns collected in the area shall be planted at a ratio of at least 10:1. The applicant shall submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

7. Lighting Restrictions

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which specifies that all outdoor night lighting shall be the minimum necessary, consistent with safety requirements, and shall be downward directed to minimize the nighttime intrusion of the light from the project into sensitive habitat areas. The document shall run with the land for the life of the structures approved in these permits, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interests being conveyed.

8. Future Development Deed Restrictions

- A. These permits are only for the development described in Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6) and 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) and (b) shall not apply to the parcels. Accordingly, any future improvements to the permitted structures, including but not limited to clearing of vegetation or grading, other than as provided for in the approved fuel modification, landscaping, and erosion control plans prepared pursuant to Special Condition Two (2) or the restoration plans prepared by Geo Safety, Inc., dated April 19, 2000; July 24, 2000; August 15, 2000; or November 7, 2000; shall require an amendment to Coastal Development Permit No(s). 4-00-190, 4-00-191, and/or 4-00-192 from the Commission or shall require additional Coastal Development Permit(s) from the Commission or from the applicable certified local government.
- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall execute and record deed restrictions, in a form and content acceptable to the Executive Director, which reflect the above restrictions on development in the deed restrictions and shall include legal descriptions of the applicant's entire parcels. These deed restrictions shall supercede and replace the following document recorded in the County of Los Angeles: the future development deed restriction recorded on April 13, 1988 as Instrument No. 88-502002. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. These deed restrictions shall not be removed or changed without a Commission approved amendment to the Coastal Development Permit(s).

9. Open Space Deed Restriction

- A. In order to implement the applicant's proposal to permanently preserve 13.34 acres as open space on Assessor's Parcel Number 4455-017-017, the applicant agrees that no development as defined in Section 30106 of the Coastal Act shall occur in the open space area depicted in Exhibit 5 except for: fuel modification required by the Los Angeles County Fire Department, removal of non-native vegetation, or public hiking and/or equestrian trails.
- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space area. The document shall provide that the deed restriction shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being

conveyed. The deed restriction shall run with the land, binding all successors and assignees of the applicant or landowner, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the open space area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the open space area.

10. Conservation Easement

- A. The applicant has proposed to grant a conservation easement covering 58.3 acres, including 54.8 acres of Assessor's Parcel Number 4455-036-015 and 3.5 acres of Assessor's Parcel Number 4455-036-011, as designated on Exhibit 5.

In order to implement the applicant's proposal, the applicant agrees that no development, as defined in Section 30106 of the Coastal Act, shall occur in the conservation easement area designated on Exhibit 5, except for: utility easements or the removal of non-native vegetation and restoration approved under Coastal Development Permits 4-00-190, 4-00-191, and 4-00-192 pursuant to the restoration plans prepared by Geo Safety, Inc., dated April 19, 2000; July 24, 2000; August 15, 2000; and November 7, 2000.

- B. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development and granting a conservation easement covering the area identified above, to the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director. The document shall provide that the conservation easement shall not be used or construed to allow anyone to interfere with any rights of public access acquired through use that may exist on the property. The conservation easement shall supercede and replace the following document recorded in the County of Los Angeles: the offer to dedicate an open space easement recorded on April 13, 1988 as Instrument No. 88-502003. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The conservation easement shall run with the land, binding the applicant and the grantee, and all successors and assignees of the applicant and the grantee, and shall be irrevocable. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

11. Offer to Dedicate Public Hiking and Equestrian Trail Easement

In order to implement the applicant's proposal of an offer to dedicate a 20 foot wide public access hiking and equestrian trail easement for passive recreational use as part of this project, the applicant as landowner agrees to complete the following prior to

issuance of Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192: the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, offering to dedicate to the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director, a 20 foot wide easement for public hiking and equestrian access and passive recreational use in the general location and configuration depicted in Exhibit 5 and 40-f, on Assessor's Parcel Number 4455-036-015. The dedicated trail easement shall not be open for hiking and equestrian use until the Mountains Restoration Trust, or a public agency or private association approved by the Executive Director, agrees to accept responsibility for maintenance and liability associated with the easement. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use that may exist on the property. The document shall also provide that there shall be no gate(s) at the entrance to or exit from the easement. This offer to dedicate a public access hiking and equestrian trail easement shall supercede and replace the following document recorded in the County of Los Angeles: the offer to dedicate a public hiking and equestrian trail easement recorded on April 13, 1988 as Instrument No. 88-502004.

The offer shall provide the public the right to pass and repass over the dedicated route limited to hiking and equestrian uses only. The document shall be recorded free of prior encumbrances except for tax liens, which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns of the applicant or landowner, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recorded document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area and a graphic representation prepared by a licensed surveyor showing the area identified in the legal description of the easement area.

12. Revised Plans

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit, for the review and approval of the Executive Director, revised project plans that illustrate that there will not be an entry gate at the entrance to the public hiking and equestrian trail easement (as in the location shown on Exhibit 5); that tea house pavilion, including all garden walls and associated patios and walkways, be set back at least 100 feet from both the outer limit of the ESHA and the streambed (as shown on Exhibit 33); and that the guest house proposed at under CDP 4-00-192 also be set back at least 100 feet from both the outer limit of the ESHA and the streambed (as shown on Exhibit 33).

13. Removal of Gate at Entrance to Public Hiking and Equestrian Trail Easement

As proposed by the applicant, the gate located on the entrance to the public hiking and equestrian trail easement shall be removed. The removal shall be completed within 45

days following the issuance of Coastal Development Permit Nos. 4-00-190, 4-00-191, or 4-00-192.

14. Condition Compliance

Within 120 days of Commission action on Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of Coastal Development Permit Nos. 4-00-190, 4-00-191, and 4-00-192. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

15. Required Approvals

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT Nos. 4-00-190, 4-00-191, and 4-00-192, the applicant shall submit to the Executive Director a valid Streambed Alteration Agreement from the California Department of Fish & Game and a valid U.S. Army Corp of Engineers permit, or evidence that such approvals are not required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to construct two new single family residences, an addition to an existing single family residence, two new guest houses, miscellaneous accessory structures, access roads (some areas with concrete root bridges), gates, and fencing; remodel an existing guest house; realign the existing driveway; demolish two existing single family residences, guest house, tennis court, water tank, and other miscellaneous structures; restore approximately 14 acres of the subject sites to natural grade and vegetation, including areas within the riparian ESHA and blue line stream areas; record a conservation easement of 58.3 acres located on two of the subject sites, a twenty foot wide trail easement on one of the subject sites, and an open space easement on a 13.34 acre parcel west of the subject sites, which has contiguous access by easement to 1401 Cold Canyon Road (Exhibit 5).

The applicant has submitted applications for Coastal Development Permits 4-00-190, 4-00-191, and 4-00-192. These three applications are for proposed development on three separate, but contiguous, parcels owned by the applicant located at 1401, 1405, and 1409 Cold Canyon Road, approximately one half of a mile south of Mulholland Highway, on the west side of Cold Canyon Road, in the Calabasas area of Los Angeles

County (Exhibit 1). These subject properties consist of 68.92 acres, 5.38 acres, and 14.62 acres, respectively (Exhibit 2). Due to the related nature of these three applications, the proposed development on all three parcels will be addressed in one staff report. To clearly address what is proposed on each parcel by each permit application, however, the project descriptions are listed below for each separate application and broken down into the categories of development proposed.

1. CDP APPLICATION 4-00-190 (1409 Cold Canyon Road):

• **New Development Proposed**

Construction of a 28,100 square foot, two story, 34 foot high single family residence; 2,500 square foot attached garage; 2,350 square foot, 22 foot high detached garage; 1,500 square feet of ancillary patios, paths, and walkways adjacent to residence; 1,500 square foot, 23 foot high shade structure adjacent to residence; 1,500 square foot pool and spa; 5,000 square feet of pool decks, patios, and walkways; 11,650 square foot, 34 foot high, gym/greenhouse/storage structure (hereinafter referred to as "gym"); 7,500 square foot tennis court with 10 foot high chain link fencing; 750 square foot, 21 foot high teahouse pavilion with 500 square feet of adjacent patios and walkways; playing field adjacent to gym comprised of 36,000 square foot lawn; water cascade at grade using recirculated water from an existing pond; six foot high, 400 foot long wrought iron pool safety fence; 150 foot long, six foot high wall and 80 foot long, four foot high wall adjacent to teahouse pavilion; 150 foot long, four foot high wall at east upper driveway loop adjacent to single family residence; 500 foot long, three to eight foot high walls adjacent to garage; 300 foot long, three foot high stone terraces adjacent to pool area; 350 foot long, two to eight foot high wall, including retaining wall, adjacent to gym; 400 foot long, one to three foot high retaining walls, as needed, for drainage and erosion control adjacent to pool; 15 foot long, 15 foot high wooden gates; 10 foot long, eight foot high gates farther from road for security purposes; 150 foot long, 3 foot high split rail fencing to protect oaks numbered 78, 79, 80, and 81; 1170 foot long, six foot high chain link fencing with 10 foot wide wildlife openings at 150 foot intervals; 7,000 square foot permeable emergency access driveway to teahouse pavilion; 9,000 square foot permeable emergency access driveway to proposed gym; and private sewage disposal system. Realignment of existing asphalt access road away from oak trees; installation of concrete slab root bridges, requiring no compaction and providing drainage, wherever the existing road alignment remains within the protected zones of oak trees; and relocation of one oak tree. Performance of 14,876 cubic yards of grading for development (1,898 cut, 2,928 fill, 1,750 excavation, and 8,300 removal and recompaction).

• **Demolition/Removal of Existing Development Proposed**

Demolition/removal of an existing 7,000 square foot single family residence, 8,300 square feet of covered porches and patios, 900 square foot garage, pool, pool deck, exterior walkways, 300 square foot greenhouse, entry gates at Cold Canyon, 2,400 square foot barn/storage structure, 750 square foot guest house site, 8,280 square feet

of paving and pavers for driveway, 40,000 square feet of lawn adjacent to oak trees and the single family residence (although 28,000 square feet of lawn will be retained away from oak trees), 131 non-native trees, 480 lineal feet of split rail fencing, 4,200 square feet of dirt roads, 4, 400 square feet of paved road, 8,000 square feet of pad areas for barn/storage structure and guest house, and 15,000 square feet of horse corrals.

- **Restoration Proposed:**

Restoration of 3.1 acres of the site (more fully described in the reports prepared by Geo Safety, Inc., dated April 16, 2000; July 24, 2000; October 31, 2000; and December 21, 2000; referenced below), including two acres west of the pond, .3 acres where development is to be removed/demolished, and .8 acres disturbed for fuel modification which will be returned to chaparral, including the performance of 10,500 cubic yards of restorative grading (5,500 cut and 5,000 fill).

- **Dedications/Mitigation Proposed**

Offer to dedicate a 13.34 acre parcel in fee to the Mountains Restoration Trust to be held as open space (APN 4455-017-017) west of the subject property, which has contiguous access by easement and offer to record 3.5 on site acres as a conservation easement in favor of the Mountains Restoration Trust.

2. CDP APPLICATION 4-00-191 (1405 Cold Canyon Road):

- **New Development Proposed**

Construction of a 2,800 square foot, two story, 29 foot high addition to the existing 2,500 square foot single family residence; 700 square foot attached garage; 700 square feet of patios and walkways; 430 square foot, 17 foot high security station with attached 250 square foot carport; two water cascades at grade using recirculated water from an existing pond; ornamental bridge across driveway; 300 square feet of patios and walkways adjacent to existing guest house; entry gates adjacent to Cold Canyon Road; 20 foot long, eight foot high vehicular gate adjacent to security station on existing driveway; 400 foot long, six foot high garden wall around existing guest house; 150 foot long, 1.5 to three foot high walls, as needed, at various locations for erosion and drainage control; 180 foot long, three to eight foot high wall/retaining wall at security station for slope erosion control; 400 foot long, four foot high split rail fencing at eastern edge of driveway between the residence and guest house; 150 foot long, four foot high split rail fence at eastern edge of driveway to street entry; 500 foot long, six foot high chain link or wrought iron link fencing with 10 foot wide wildlife openings at 150 foot intervals; and private sewage disposal system. Repair or replacement of existing sections of 150 foot long, six foot high chain link fencing on each side of entrance gate; realignment of existing asphalt access road away from oak trees; installation of concrete slab root bridges, requiring no compaction and providing drainage, wherever the existing road alignment remains within the protected zones of oak trees; relocation

of one oak tree; and performance of 995 cubic yards of grading for development (290 cut, 105 fill, and 600 removal and recompaction).

- **Demolition/Removal of Existing Development Proposed**

Demolition/removal of existing 1,500 square foot covered, screened porch attached to single family residence; 750 square foot carport attached to existing residence; existing entry gates at Cold Canyon Road; 31,860 square feet of lawn adjacent to oak trees (although 5,500 square feet of lawn will be retained away from oak trees); 47 non-native trees; and 3,520 square feet of impermeable paving.

- **Restoration Proposed**

Restoration of approximately one acre of oak woodland located largely within an Environmentally Sensitive Habitat Area on the site, more fully described in the reports prepared by Geo Safety, Inc., dated April 16, 2000; July 24, 2000; October 31, 2000; and December 21, 2000; referenced below.

- **Dedications/Mitigation Proposed**

Offer to dedicate in fee to the Mountains Restoration Trust, to be held as open space, a 13.34 acre parcel (APN 4455-017-017) west of the subject property, which has contiguous access by easement.

3. CDP APPLICATION 4-00-192 (1401 Cold Canyon Road):

- **New Development Proposed**

Construction of a 6,700 square foot, two story, 28 foot high single family residence with attached garage and 800 square feet of patios and walkways; 750 square foot, 20 foot high guest house with attached 500 square foot garage and 200 square feet of patios and walkways; two private sewage disposal systems; 70 foot long, six foot high garden wall adjacent to residence; 60 foot long, six foot high garden wall adjacent to guest house; 20 foot long, eight foot high gates west of culvert number six for safety purposes; double 10 foot long, six foot high vehicular access gates at existing driveway; 65 foot long, six foot high chain link fencing; 250 foot long, three foot high split rail fencing to protect those oak trees numbered 19, 28, 29, 30, and 31; 150 foot long, four foot high split rail fencing at western edge of driveway; 1,000 foot long, six foot high chain link fencing along western property boundary with 10 foot wide wildlife openings at 150 foot intervals; 25 foot long, six foot high and 40 foot long, six foot high chain link fence with five foot wide pedestrian gate to secure restoration areas from adjacent roads. Realignment of existing asphalt access road away from oak trees; installation of concrete slab root bridges, requiring no compaction and providing drainage, wherever the existing road alignment remains within the protected zones of oak trees; and relocation of one oak tree; repair or replacement of existing sections of 150 foot long, six foot high chain link fence on each side of entrance gate; and performance of 1,934

cubic yards of grading for the development (719 cut, 175 fill, and 1,040 removal and recompaction).

- **Demolition/Removal of Existing Development Proposed**

Demolition/removal of existing 1,270 square foot single family residence; 750 square foot guest house; 1,500 square feet of miscellaneous sheds; gates at Cold Canyon; tennis court; access road to tennis court; 24,340 square feet of lawn around oak trees (although 7,600 square feet of lawn will be retained away from oak trees); 124 non-native trees; 33,570 square feet of impermeable paving; 730 linear feet of split rail fencing; 36,600 square feet of dirt roads (although they may be incorporated into walking trails); 17,300 square feet of horse corrals in restoration area; 864 square foot horse barn; 128 square foot storage shed; 192 square foot shed and porch; and 7,500 gallon water tank.

- **Restoration Proposed**

Restoration of 7.8 acres to natural grade and landscape (more fully described in the reports prepared by Geo Safety, Inc., dated April 16, 2000; July 24, 2000; October 31, 2000; and December 21, 2000; referenced below), including four acres west of the pond; 2.2 acres within a Riparian Oak Woodland Environmentally Sensitive Habitat Area along a blueline stream and 1.6 acres of chaparral; and performance of 13,500 cubic yards of restorative grading (5,500 cut and 8,000 fill).

- **Dedications/Mitigation Proposed**

Offer to dedicate in fee to the Mountains Restoration Trust, to be held as open space, a 13.34 acre parcel (APN 4455-017-017) west of the subject property, which has contiguous access by easement; offer to record a conservation easement over a 54.8 acres portion of the site in favor of the Mountains Restoration Trust; and offer to dedicate a 20 foot wide public trail easement in favor of the Mountains Restoration Trust across a portion of the conservation easement.

Topographically, the sites are situated on a northwest trending canyon in the northwestern portion of the Santa Monica Mountains. The subject properties consist of northwest trending canyons with northwest and southwest ridges. The proposed building sites at 1401 Cold Canyon Road (CDP Application 4-00-192) consists of two nearly level pads with ascending slopes to the north, west, and south and descending slopes to the east, with a maximum topographic relief of approximately 50 feet. At this site, ascending slopes have a maximum gradient of 1.5:1, while descending slopes are generally 2:1 or less (horizontal to vertical). At 1405 Cold Canyon Road (CDP Application 4-00-191), the building area also consists of a nearly level pad with ascending slopes to the east and descending slopes to the west. The ascending slopes have a maximum gradient of 1.5:1 and the descending slopes are approximately 1.5:1 or less (horizontal to vertical). At this location, however, some slopes are supported by retaining walls. Lastly, the building site at 1409 Cold Canyon Road (CDP

4-00-190), is similarly comprised of a nearly level pad with ascending slopes to the north, east, and west. The maximum topographic relief is approximately 95 feet and the ascending slopes have a maximum grade of 1.5:1 or less.

Due to the topography of the subject sites, aside from the entry gate and entrance to the properties via the driveway from Cold Canyon Road, the proposed development will not be visible from Cold Canyon Road, Mulholland Drive, or any other public viewing areas.

In addition, portions of the subject sites are designated as Environmentally Sensitive Habitat Area (ESHA) under the certified Los Angeles County Land Use Plan (LUP) (Exhibit 6). These areas were specifically designated as an "Oak Woodland" ESHA under the certified LUP and were also mapped as a "Riparian Woodland and Oak Woodland ESHA" by the applicant's consultant, Dr. Klaus Radke, Ph.D., Wildland Resource Sciences, of Geo Safety, Inc (Exhibit 33). Furthermore, a blueline creek also runs through portions of the subject sites, along the general areas that maintain an ESHA. At the northern end of the property, two creeks combine to form the blueline creek that then runs through the center of the property before continuing south towards Cold Canyon Road. At this point, the blueline creek then connects with Cold Creek, another blueline creek. In addition, the Calabasas-Cold Creek hiking and equestrian trail crosses the southeast portion of the properties.

Prior to the Coastal Act, 1405 Cold Canyon Road was already improved with a single family residence (approximately 2,000 square feet in size), corral, accessory structure, and paved road. In 1987, the Commission approved Coastal Development Permit (CDP) 5-87-590 (Vinton), which allowed for a lot line adjustment, construction of a 7,000 square foot single family residence, 1,815 square foot single family residence, tennis court, two septic systems, and 21,600 cubic yards of grading at 1401 and 1409 Cold Canyon Road. Although development was only approved on two out of the three parcels currently under consideration, all three parcels were owned by the former applicant (Vinton) in 1987 and were discussed in the staff report for CDP 5-87-590.

As stated above, pursuant to CDP 5-87-590, 21,600 cubic yards of grading were approved, including 10,600 cubic yards of cut and 10,000 cubic yards of fill in order to create a level building pad for the 7,000 square foot single family residence. This 26,000 cubic yards of grading allowed for the removal of an 18 foot high mesa, which was then redistributed over the meadow to create the building pad for the 7,000 square foot single family residence. An additional 1,000 cubic yards of grading was approved in order to create a level building site for the second 1,815 square foot single family residence.

In approving CDP 5-87-590, the Commission found that both single family residence structures would be located in areas previously disturbed by grading and roads, away from the steeper slopes and ridgeline located in the southern portion of the property, and would not create any significant visual impacts. Furthermore, the present permitted development footprint had already been disturbed as early as 1952, likely through

farming (Exhibit 36). Prior to 1952, disturbance on the site has also been documented within the Riparian Woodland and Oak Woodland ESHA and blueline stream areas. Due to the steep slopes, riparian habitat along Cold Creek, and sensitive resources, an offer to dedicate an open space easement and future development deed restriction were required under the previous permit. Additionally, as the Calabasas-Cold Creek hiking and equestrian trail also traverses a portion of the site, an offer to dedicate a trail easement was likewise a condition of approval for CDP 5-87-590.

Subsequently, in 1988, the Commission approved an amendment to CDP 5-87-590 (Vinton), permitting a reduction in the size of the previously approved 1,815 square foot single family residence to 1,270; construction of a 750 square foot guest house at 1401 Cold Canyon Road; construction of a 750 square foot guest house, 2,400 square foot prefabricated storage building, and 300 square foot greenhouse at 1409 Cold Canyon Road; and construction of a 750 square foot guest house at 1405 Cold Canyon Road. No additional grading was proposed or permitted under CDP 5-87-590-A (Vinton) for these improvements.

In 1999, the Commission approved a second amendment to CDP 5-87-590 (Vinton). Under the second amendment, the construction of an access driveway adjacent to the single family residence at 1409 Cold Canyon Road and a 250 foot by 140 foot pond, varying in depth from eight to 12 feet was approved. Although the pond was shown on the approved landscaping plan, submitted as a condition of CDP 5-87-590, the Commission never specifically permitted the pond. It had not been illustrated on the site plans nor was it addressed in the staff report for CDP 5-87-590. Pursuant to the amendment, however, the pond was approved with a non-permeable liner and on the assumption that no stream would be dammed or diverted to form the pond. A natural spring on the site and imported water were to be used to fill and maintain the water level of the pond approved under CDP 5-87-590-A2, although a small spillway allows excess water to exit the pond to the adjacent blueline stream during periods of precipitation. Both the road and the pond were constructed concurrent with the overall development approved under CDP 5-87-590, in areas where grading operations were carried out. Furthermore, the pond was constructed in a fill pad area that was approved through the original grading plan under CDP 5-87-590.

While reviewing the current CDP applications, however, Commission Staff became aware of that a substantial amount of development has occurred on the subject sites without the benefit of a CDP or an amendment to CDP 5-87-590, which had a future development deed restriction as a special condition. It appears that all of the development that has occurred without a permit was performed while the property was still under the ownership of the prior applicant (Vinton), rather than the current applicant, Trey Trust, which recently purchased the property from the prior applicant (Vinton).

The development on the subject sites that has occurred without the benefit of a CDP includes the construction of miscellaneous structures, substantial amounts of grading, removal of native vegetation, and alteration of the blueline creek. Through the current

CDP application, however, the current owner is proposing to restore areas where unpermitted grading, removal of vegetation, and streambed alteration have occurred. Further, the applicant has also proposed to remove development that was constructed without a CDP. In fact, the Riparian Woodland and Oak Woodland ESHA appears to have been greatly altered by the previous owner, and in part, eliminated through this unpermitted development.

The unpermitted development performed on the site includes a tennis court and pavilion constructed adjacent to the blueline creek and Riparian and Oak Woodland ESHA (rather than the permitted location under CDP 5-87-590 further to the northeast and away from these sensitive resources); access roads; grading of pads for the guest house and storage building (which were permitted under CDP 5-87-590-A, but with no grading) at 1409 Cold Canyon Road and which eliminated a minor drainage; grading within the streambed (reducing it to a channel cut largely through fill dirt); elimination and rerouting of a meandering portion of the upper section of the creek; removal and relocation of approximately 20 mature Coast Live Oak trees from the Riparian and Oak Woodland ESHA area to the single family residence and pond area at 1409 Cold Canyon Road; altering of creek banks to provide grassy lawns along the access road east of the creek; horse barn with attached metal horse corrals; miscellaneous storage sheds; chicken coop; gas tank and utilities; 40,000 square foot horse corral and exercise ring surrounded by plastic rail fencing (the construction of which required realignment of the creek); planting of non-native ornamental vegetation; placement of ornamental features, such as railroad ties; vineyard; extensive clearance of native riparian vegetation to provide a manicured, landscaped appearance; grading within the protected zones of oak trees; installation of irrigation systems within the driplines of oak trees; and gate at the entrance to the public hiking and equestrian trail easement. Finally, the estimated total amount of unpermitted grading that occurred at 1409 Cold Canyon is 5,000 cubic yards of cut and 5,500 cubic yards of fill grading, while the estimated total for 1401 Cold Canyon Road amounts to 5,500 cubic yards of cut and 8,000 cubic yards of fill grading.

Through the current permit applications, the applicant has voluntarily proposed to resolve the above referenced violations to nearly the maximum extent feasible through restoration, removal, and demolition (with the exception of the gate at the entrance to the trail) and protect these restored areas from future development. The applicant is also proposing to extensively restore to natural grade and vegetation substantial portions of the property, including disturbed portions of the blueline stream and riparian ESHA. In addition, the applicant has voluntarily proposed to reduce and eliminate, where feasible, future development impacts on the blueline stream and adjacent riparian ESHA. The development footprint will be reduced through the clustering of new development away from the creek and riparian ESHA, removal of permitted development such as lawns, non-native shrubs and trees, and storage shed/barn. In addition, convenience parking from within the protected zones of oak trees will also be eliminated. Further, the driveway portion of the proposed development includes the realignment of the existing permitted driveway away from the trunks of oak trees, where possible, and the use of concrete root bridges where the present alignment of the road

within the protected zone of an oak trees is unavoidable (Exhibit 30). The concrete root bridges eliminate the compaction of soil within the protected zones of the oak trees, and in many cases, will reestablish a more natural drainage and infiltration pattern. Furthermore, the applicant has proposed to use permeable materials along numerous portions of the access roads on the sites in an effort to decrease impermeable coverage on the subject properties. Further, the applicant's consultant, Geo Safety, Inc., states in an August 15, 2000 report, that the "proposed construction will be accomplished without directly impacting or endangering the health of any of the oaks on site." Lastly, the applicant is also proposing substantial mitigation measures for any new impacts that may be caused by the proposed development, including dedicating a 13.34 acre parcel to the west as open space and dedicating 58.3 acres on two of the three subject sites as conservation easements. A significant portion of the restoration area, including a large segment of the blueline stream, Riparian Woodland, Oak Woodland, Freshwater Marsh, Chaparral, and ESHA areas will be protected within this conservation easement. In addition, many undisturbed chaparral areas of 1401 Cold Canyon Road to the south of the development will also be protected through this conservation easement. In sum, although the applicant is proposing a substantial amount of new development on the subject sites, the applicant is proposing to remove the majority of the existing permitted development, remove unpermitted development, restore areas negatively affected by both permitted and unpermitted development, design the proposed new development in a manner that will reduce negative environmental impacts, and mitigate impacts of the development through creation of open space and conservation easements.

B. Hazards and Geologic Stability

The proposed development is located in the Malibu/Santa Monica Mountains area, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The applicant has submitted a report entitled, "Limited Geologic and Soils Engineering Investigation, Proposed Single Family Residences, Gymnasium and Accessory

Buildings, 1401, 1405 and 1409 Cold Canyon Road," prepared by GeoConcepts, Inc., dated July 24, 2000, which states:

It is the finding of this corporation, based upon the subsurface data, that the proposed project will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Uniform Building Code are followed and maintained.

In addition, the report entitled, "Private Sewage Disposal System, 1401, 1405 and 1409 Cold Canyon Road," prepared by GeoConcepts, Inc., dated November 15, 2000, states:

Based on the above data, it is thought that the private sewage disposal systems will not adversely affect the proposed structure or daylight on descending slopes provided the system is constructed in conformance with the controlling governing agency.

It is the finding of this corporation, based upon the subsurface data, that the proposed leach lines will be safe from landslide, settlement or slippage and will not adversely affect adjacent property, provided this corporation's recommendations and those of the Los Angeles County Code are followed and maintained.

These findings are also stated in the report prepared by GeoConcepts, Inc., entitled, "Private Sewage Disposal System, 1401, 1405 and 1409 Cold Canyon Road," dated May 24, 2000.

The reports prepared by GeoConcepts, Inc., including those dated July 24, 2000; May 24, 2000; November 15, 2000; and December 19, 2000 evaluate the geologic stability of the proposed development and incorporate numerous recommendations regarding construction, foundations, grading, drainage, and private sewage disposal systems.

In their report dated July 24, 2000, GeoConcepts, Inc., also state that the site exhibits a "favorable geology and compacted fill pad for development." That report also finds, "Preliminary geologic data indicates the proposed development is favorable from the standpoint of geology and soils engineering . . ." Furthermore, that report also concludes that no "known active faults exists on the property," no ancient or recent bedrock landslides were "observed near the development areas on the property," and that "no recent surficial slope failures or slumps were observed within the proposed project area on the property." This report concludes, "Gross stability analysis indicates that the slope[s] are grossly stable," and that "the bedrock found in the explorations should possess sufficient strength to support the proposed structures and compacted fills."

This July 24, 2000 report also includes specific recommendations for the proposed development in order to ensure stability. GeoConcepts, Inc., recommends that the proposed single family residence and guest house proposed at 1401 Cold Canyon Road (CDP Application 4-00-192) be "supported on foundations embedded into bedrock. Due to the depth to bedrock in canyon area deepened foundations (friction piles) will be required. The proposed floor slabs should be supported by the foundation

system." They also state that the security building proposed at 1405 Cold Canyon Road (CDP Application 4-00-191) should be "supported on foundations embedded into bedrock. Deepened foundations may be required for the western portion of the proposed structure." Further, they find that the single family residence proposed at 1409 Cold Canyon Road (CDP Application 4-00-190) should be "supported on foundation embedded into compacted fill. The proposed floor slabs should be supported on the compacted fill pad. As an alternative to removal and recompaction in the building pad area, the proposed residence could be supported on deepened foundations (friction piles) embedded into bedrock." Additionally, GeoConcepts, Inc., also recommend that both the exercise building and tea pavilion be supported on foundation embedded into compacted fill pads.

Therefore, the Commission finds that based on the recommendations of the applicant's geotechnical consultant, the proposed development is consistent with the requirements of Section 30253 of the Coastal Act, so long as the geotechnical consultant's recommendations are incorporated into the final project plans and designs. Therefore, the Commission finds it necessary to require the applicant to submit project plans that have been certified in writing by the geotechnical consultant, in accordance with **Special Condition One (1)**.

In addition, **Special Condition Two (2)** requires the implementation of landscaping and erosion control measures designed to reduce or eliminate potential erosion that might otherwise occur pursuant to the proposed development. As such, landscaping of the disturbed and graded areas on the subject properties, as required by **Special Condition Two (2)**, will serve to enhance the geological stability of the sites. In addition, interim erosion control measures implemented during construction will also minimize erosion and enhance site stability. The Commission finds that the minimization of erosion will add to the stability of the sites. Erosion can best be minimized by requiring the applicant to revegetate all disturbed and graded areas of the sites with native plants, compatible with the surrounding environment.

Furthermore, in their report dated July 24, 2000, GeoConcepts, Inc., also states that all "slopes should be planted and maintained" for slough protection. This report also finds:

All slopes should be maintained with a dense growth of plants, ground-covering vegetation, shrubs and trees that possess dense, deep root structures and require a minimum of irrigation. Plants surrounding the development should be of a variety that requires a minimum of watering.

Additionally, in their report entitled, "Streambed Alteration Permit for 1401, 1405, and 1409 Cold Canyon Road," Geo Safety, Inc., also addresses the impact on the creek caused by erosion from non-vegetated slopes. That report states:

Swift running water that presently immediately peaks after a rainstorm because of excessive runoff from presently unprotected slopes flushes out these sections of the creek channel.

The landscape plan required pursuant to **Special Condition Two (2)** requires the use of primarily native plant species. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface/foliage weight. The Commission finds that non-native and invasive plant species with high surface/foliage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site. Native species, alternatively, tend to have a deeper root structure than non-native, invasive species and therefore aid in preventing erosion.

In addition, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu/Santa Monica Mountains area, as is further discussed in Section D, below. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development.

Therefore, the Commission finds that in order to ensure site stability, the disturbed and graded areas of the sites shall be landscaped with appropriate native plant species, as specified in **Special Condition Two (2)**.

In addition, in order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed structures, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. Through the elimination of premature natural vegetation clearance, erosion is reduced on the sites and disturbance of the soils is decreased. Therefore, **Special Condition Three (3)** specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced.

Wildfire Waiver

The proposed project is located in the Santa Monica Mountains, an area subject to an extraordinary potential for damage or destruction from wildfire. The typical vegetation in the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral. Many plant species common to these communities produce and store terpenes, which are highly flammable substances (Mooney, in *Barbour, Terrestrial Vegetation of California*, 1988). Chaparral and sage scrub communities have evolved in concert with, and continue to produce the potential for, frequent wildfires. The typical warm, dry summer conditions of the Mediterranean climate combine with the natural characteristics of native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can

only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, the wildfire waiver of liability, the applicant acknowledges the nature of the fire hazard which exists on the sites and which may affect the safety of the proposed development. Moreover, through acceptance of **Special Condition Four (4)**, the applicant also agrees to indemnify the Commission, its officers, agents, and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project.

The Commission finds that only as conditioned to incorporate the landscape and erosion control plans, all recommendations by the applicant's consulting geotechnical engineer, and the wildfire waiver of liability, will the proposed project be consistent with Section 30253 of the Coastal Act.

C. Public Access and Visual Resources

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities within coastal areas and to reserve lands suitable for coastal recreation for that purpose. The Coastal Act has several policies that address the issues of public access and recreation within coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by...(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

Sections 30210, 30212.5, 30223, and 30252 of the Coastal Act mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access coastal areas. Likewise, Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and equestrian trails, shall be protected, encouraged, and provided, where feasible. Furthermore, Section 30251 of the Coastal Act requires visual qualities of coastal areas to be considered and protected, landform alteration to be minimized, and degraded areas to be enhanced and restored, where feasible.

In the Malibu/Santa Monica Mountains area, the existing system of heavily used historic trails located on private property has been adversely impacted by the conversion of open lands to housing. In order to preserve and formalize the public's right to use these trails, a trail system map has been included as part of the certified Malibu/Santa Monica Land Use Plan (LUP). The trail system is composed of the Backbone and Coastal Slope Trails in addition to several connector trails. The Backbone Trail is the primary hiking and equestrian trail leading from the Los Angeles metropolitan area through the Santa Monica Mountains to Point Mugu State Park in Ventura County. The trail network is intended to provide hikers and equestrians with a large number of varied destinations including such highly scenic locations as Escondido Falls or the Castro Crag area and historic sites, including several motion picture locations and active film sets. Significant coastal views from the public trail system include panoramic views of the coastline, the Channel Islands, and the Santa Monica Mountain.

The Backbone Trail is identified in the certified Malibu/Santa Monica LUP as a major and significant trail system that serves to provide access between the growing urban areas on and above the coastal terrace and the Santa Monica Mountain park system. The trail easement that the applicant is proposing to record for public hiking and equestrian access on the project site represents an important low elevation connection to the Backbone Trail, in addition to providing a connection between Malibu Creek State

Park and state-owned Stunt Ranch. Further, the Mountains Restoration Trust has orally indicated their support for the proposed trail connection to Commission Staff and the Santa Monica Mountains Trails Council have also submitted letters indicating their support of the proposed trail location (Exhibits 40 and 41) for the current applications and for the previous CDP 5-87-590 (Vinton).

The proposed project sites are located at 1401, 1405, and 1409 Cold Canyon Road, approximately one half of a mile south of Mulholland Highway, on the west side of Cold Canyon Road, in the Calabasas area of Los Angeles County. These subject properties consist of 68.92 acres, 5.38 acres, and 14.62 acres, respectively. Topographically, the sites are situated on a northwest trending canyon in the northwestern portion of the Santa Monica Mountains. The certified Malibu/Santa Monica Mountains LUP indicates that a portion of the Calabasas-Cold Creek Trail traverses the site. In addition, pending consideration of CDP 5-87-590, the Santa Monica Mountains Trails Council (SMMTC) indicated that this was an existing trail that has historically been used by the public. In the above referenced letter written to Commission Staff, the SMMTC states:

"We believe that the Vinton's and our Trails Council are in agreement that this is the best location for the trail. This alignment has me the approval of the County Parks Department trail planner, Mr. Tom Reilly, as well."

Further, the letter received by Commission Staff from David M. Brown during the review of CDP Application 5-87-590, states (see Exhibit 42):

I have personally walked the Cold Creek Trail on this property. It exists on what appears to be an old roadway on the slope above the west bank of Cold Creek. I recall walking it in the summer of 1982 with a local resident who told me she frequently rode her horse on it.

In addition to its local use, this trail is an important low elevation connection between Malibu Creek State Park and state-owned Stunt Ranch. As a member of the Santa Monica Mountains Conservancy Citizens Advisory Committee I participated in several discussions looking to the purchase of what is now the Vinton property, primarily to establish a staging area and campground on the Cold Creek Trail.

Due to the significance of this portion of the Calabasas-Cold Creek Trail, the Commission approved CDP 5-87-590 with a special condition requiring the applicant to offer to dedicate a 20 foot wide public hiking and equestrian trail easement to allow the Calabasas-Cold Creek Trail to continue in traversing this site. It appears that the offer to dedicate a trail easement that was made pursuant to CDP 5-87-590 has not been accepted to date by any public or private agency.

The current applicant has proposed to dedicate and record a 20 foot wide trail easement in this same location under the current permit applications. As stated previously, Commission Staff has recently received a letter from the SMMTC regarding the current permit applications and current proposal to dedicate and record the proposed trail easement.

This letter from the SMMTC, dated January 25, 2001, states:

Our records indicate that in 1987 the Trails Council worked with the owners of contiguous parcels at 1401, 1405 and 1409 Cold Canyon Road, (Assessor's Parcel #'s 4455-036-015, 013 & 014, and 011 respectively) in realigning a section of the Calabasas-Cold Creek Trail. This was done to meet the development needs of then-owner Vinton, while protecting this section of the trail system, as shown on the Malibu/Santa Monica Mountains Area Plan Trail System Map. This map was produced by Los Angeles County Department of Parks and Recreation in 1983.

This letter goes on to state:

The section of the mapped trail (paper trail) within 1401 Cold Canyon Road was kept in its approximate original location along the banks of Cold Creek and its tributary. However, the realigned trail within 1405 Cold Canyon Road was moved to the adjacent property to the east because it passed directly adjacent to a pre-existing single family residence on the property. The conceptual trail section within 1409 Cold Canyon Road was also realigned to the adjacent parcel to the east so as to tie the new trail alignment together. The application was subsequently approved by the Coastal Commission with an offer by the owner/applicant Vinton to dedicate a 20-foot wide and approximately 1500-foot long trail easement within 1401 Cold Canyon Road. Most of this trail easement lies within an approximately 20-acre open space easement, dedicated by Mr. Vinton as part of CDP 5-87-590. For security reasons the owner installed a five-foot-wide unlocked gate within a chain link fence running along Cold Canyon Road, with the fence also along the northern side of the trail easement starting at Cold Canyon Road.

Presently, this trail lies within the dedicated trail easement of 1401 Cold Canyon Rd. and serves as a vital link in the local trail system. It is used regularly . . . Past and present owners have been very cooperative in providing clear and unhindered access to the property, and the Trey Trust has also been cooperative in providing assistance in emergencies. The chain link fences, installed about 1988, are not a hindrance for using the dedicated trail; and they actually assist in delineating it so that trail users do not inadvertently use the adjacent private property. . . . However, the SMMTC feels that the gate should be removed as it is not appropriate on a public trail. Further, the gate impairs wildlife and reduces the safety of the access. The trail also needs to be signed.

As stated previously, the applicant is proposing to retain the gate at the entrance to the public hiking and trail easement. The Calabasas-Cold Creek Trail crosses onto the applicant's property from Cold Canyon Road. As a result, to reach the proposed easement, equestrians and hikers will need to cross Cold Canyon before reaching the gated entrance and equestrians would possibly need to dismount in order to open the gate. Even if the gate were to remain open during daylight hours, if large groups of equestrians were to try to go through the gate, access could be impeded and be a security risk on Cold Canyon Road.

In past Commission actions, the Commission has found that gates deter the public from using trails that exist across those sites. The Commission has denied similar proposals in the past on the basis that a security gate would deter or inhibit public access. In the appeal A-4-VNT-98-225 (Breakers Way Property Owners Association), the Commission denied a permit for a security gate, which also provided for a pedestrian gate, at the entrance to the Mussel Shoals Community in Ventura County, due to a determination

that public access would be discouraged. In that appeal, although the applicant had indicated that the pedestrian gate would be kept open, the Commission was concerned that the pedestrian gate could be locked at some time in the future and that the access could be easily closed off. Similarly, in appeal A-3-SCO-95-001 (Santa Cruz County Service Area #2), the Commission denied a permit for a gate on a bluff top stairway to restrict access during evening hours to a public beach on the basis that there were less restrictive alternatives that could be implemented to address the neighborhood security concerns.

Although there is no evidence that the existing gate has impeded public access to this trail, Commission experience, indicates that gates can easily be locked or closed off. Likewise, this gate could easily be locked in the future due to security concerns or a desire at some future date to keep the public from passing over the subject site. In fact, the Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report, (SMMART) states:

Although over 450 miles of recreational trails exist within the park lands of the Santa Monica Mountains National Recreation Area, needs for trails exist in the areas outside of the established park system. For example, trails provide linkages between parks and from residential areas into parks. Trail linkages enhance the park experience for visitors and help to bring visitors into the parks. Some of these trails are located on privately owned land and their future use may be restricted due to development or fencing of property.

In addition, research indicates that a major deterrent to public use of recreational trails and similar public recreation areas and facilities is a perception by the public that an area is private property. Gates create physical barriers to access and privatize community space, not merely individual space. In the case of the current permit application, the gate could serve to delineate a boundary between public and private property and foster a sense of privatization. The gate could deter entry by members of the public who wish to access the trail. As a result, the gate may decrease the public's perception that they may pass along this portion of the Calabasas-Cold Creek Trail and this segment of the trail could experience diminished use.

As a result, the Commission finds that the proposed development, for the reasons stated above, would not comply with Sections 30213, 30252, and 30251 of the Coastal Act, which mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access to coastal areas. Therefore, the Commission finds that the proposed gate is not consistent with those sections of the Coastal Act regarding public access and recreation. The Commission further finds that the applicant shall submit revised plans, as required by **Special Condition Twelve (12)** illustrating that the gate has been removed from the proposed development and shall be removed within 45 days of issuance of CDP 4-00-190, 4-00-191, or 4-00-192, as required by **Special Condition Thirteen (13)**.

Further, in past permit actions for properties that were also identified in the certified Malibu/Santa Monica Mountains LUP as being located within the planned route for the

Coastal Slope Trail, Backbone Trail, or important connector trails, such as the Calabasas-Cold Creek Trail, the Commission has required that adverse effects to public access resulting from new development be mitigated, such as in CDPs 5-87-590 (Vinton), 5-90-534 (Quiros), 5-86-472 (Zilberg), and 4-98-212 (Enkeboll), for example.

In order to avoid any cumulative and site specific adverse effects to public access resulting from the proposed development and to enhance the Santa Monica Mountains Trail System, the applicant has included an offer to dedicate a 20 foot wide public hiking and equestrian trail easement that will serve to continue this existing historical segment of the Calabasas-Cold Creek Trail. Therefore, **Special Condition Eleven (11)** has been included in order to implement the applicant's offer to dedicate this 20 foot wide public hiking and equestrian trail easement prior to the issuance of these CDPs.

In addition, the proposed development will not be visible from Cold Canyon Road, Mulholland Drive, or any other public viewing area due to the topography surrounding the area of the development, including the Calabasas-Cold Creek Trail. However, as the trail easement will cross a portion of the subject site at 1401 Cold Canyon, Staff notes that the portion of the site where the easement will be located is also completely within the area that the applicant is proposing to record a Conservation Easement. The Conservation Easement in this area aids in ensuring that the area surrounding the trail will not be developed, thereby creating any adverse visual impacts on the trail. Furthermore, the Future Development Deed Restriction required pursuant to **Special Condition Eight (8)** also ensures that any new development on the sites, including but not limited to clearing of vegetation or grading, that could impact the visual resources from this public trail would require a new Coastal Development Permit or Amendment and would be reviewed by the Commission. Further, **Special Conditions Nine (9) and Ten (10)** require the applicant to execute and record documents reflecting the offers to dedicate an open space and conservation easement, which will also serve to implement the applicants offers and to mitigate any negative effects from the proposed development on the surrounding resources.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30212.5, 30213, 30223, 30251 and 30252 of the Coastal Act.

D. Environmentally Sensitive Habitat Area and Sensitive Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 require that the biological productivity and quality of coastal waters and the marine environment be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flows, and maintaining natural buffer areas.

In addition, the Coastal Act defines environmentally sensitive habitat areas (ESHAs) as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development. Section 30240 of the Coastal Act permits development in areas that have been designated as ESHA only when the location of the proposed development is dependent upon those habitat resources and when such development is protected against significant reduction in value.

As stated previously, portions of the subject sites are designated as ESHA under the certified Los Angeles County Land Use Plan (LUP). These portions of the subject sites were specifically designated as an "Oak Woodland ESHA" under the certified LUP and were specifically mapped and designated as a "Riparian Woodland and Oak Woodland ESHA" by the applicant's consultant, Dr. Klaus Radke, Ph.D., Wildland Resource Sciences, of Geo Safety, Inc. This ESHA designation and mapping illustrates the Riparian Woodland and Oak Woodland ESHA as crossing portions of all three sites. Furthermore, a blueline creek also runs through portions of the subject sites, within the general area designated as a "Riparian Woodland and Oak Woodland ESHA." In fact, at the northern end of the property, two creeks combine to form the blueline creek that then runs through the center of the property before continuing south towards Cold

Canyon Road. At this point, the blueline creek then connects with Cold Creek, another designated blueline creek. Additionally, the project sites are also located within the Cold Creek Resource Management Area.

Further, according to the "Preliminary Biological Survey & Restoration Proposal," prepared by Geo Safety, Inc., dated April 19, 2000, three distinct plant communities exist on site, including Riparian Woodland, Southern Oak Woodland, and Chaparral. Furthermore, Geo Safety, Inc., also states in that report that a Freshwater Marsh community previously existed on the properties, but was apparently eliminated by the previous owner through unpermitted grading activities. This Geo Safety report addresses the Riparian Woodland on the sites (part of the ESHA), stating:

On site the Riparian Oak Woodland within the present 30-acre development footprint has been almost completely obliterated by impacts associated with previous development permits and subsequent nonpermitted grading that largely obliterated the habitat and impacted and changed the natural creekbed. Extensive clearance of riparian vegetation to provide a more manicured, landscaped appearance has also removed or greatly impacted the remaining flora in the area.

Characteristic riparian woodland tree specimens such as several mature Sycamores (Platanus racemosa) and Sycamore regeneration, Black Willow (Salix laevigata), Arroyo Willow (Salix lasiolepis), Sandbar Willow (Salix exigua), and Coast Live Oaks (Quercus agrifolia) are still found on site (often as isolated plant specimens) along with understory vegetation such as pockets of California Blackberry (Rubus ursinus) and Poison Oak (Toxicodendron diversilobum).

The most important natural characteristic, an above-ground running creek and an apparently adequate below-surface water table is still present. Restoration of the areas impacted or destroyed without the benefits of a Coastal Development permit and without adequate mitigation measures can therefore be successfully accomplished.

This Geo Safety Report goes on to address the Southern Oak Woodland community on the subject sites (also part of the ESHA), stating:

Southern Oak Woodland is dominated by Coast Live Oaks located on northerly to easterly exposures throughout the mountains and the slopes above Riparian Woodlands. Generally smaller trees such as California Black Walnut (Juglans californica) and California Bay (Umbellularia californica), and shrubs such as Coffeeberry (Rhamnus californica), Elderberry (Sambucus mexicana), Toyon (Heteromeles arbutifolia) and Sugarbush (Rhus ovata) are some of the associated species. Associated understory shrubs and herbs include Nightshade (Solanum spp., Poison Oak, and Woodfern (Dryopteris arguta).

As reflected in the Oak Tree Report, on-site the Oak Woodland habitat has been largely destroyed or extensively altered through permitted as well as nonpermitted grading and permitted as well as nonpermitted landscaping impacts such as extensive lawns and exotic tree plantings and ill-conceived management practices that favor individual plant specimens rather than a viable plant community. For example grade changes within the dripline of oak trees is found within 70% of oaks and regular lawn and landscape irrigation occurs within the dripline of 25% of the Coast Live Oaks tagged on site. Additionally it is believed that about 20 mature Coast Live Oaks were removed from the

Riparian Woodland and Oak Woodland Plant Communities lining the blueline creek to other areas of the property.

Restoration, where feasible, proposes to restore the Oak Woodland Plant Community habitat (and thereby protect the oak community) and rehabilitate individual oaks through removal of understory lawns and irrigation, removal of grading impacts (where feasible), removal of non-native understory vegetation requiring supplemental watering, and removal of ornamental trees impacting the oaks or the restoration area.

Furthermore, this Geo Safety, Inc., report also addresses the Chaparral Plant Community on the subject sites, finding:

The dominant woody chaparral plant species surviving or resprouting within the disturbed development footprint of the site include Chamise, Scrub Oak, Mountain Mahogany, Yerba Santa (Eriodictyon crassifolium) and Hoary-leaved Ceanothus (Ceanothus grassifolius).

Restoration of the habitat beyond 200 feet from structures will largely consist of avoidance of further disturbance and natural plant recovery over time.

In addition, the Freshwater Marsh Plant Community is also discussed in this Geo Safety, Inc. report, despite the fact that it has been eliminated through unpermitted activities. This report states:

A freshwater marsh is part of a mountain drainage system and is characterized by standing or slow moving water or local seepages as well as seasonally moist pools of water.

Characteristic plant species of such a habitat are Cat-tails (Typha species), Sedges (Carex spp.), Rushes (Juncus spp.), Bullrushes (Scirpus spp.), Watercress (Rorippa nasturtium-aquaticum), Kotweeds and Smartweeds (Polygonium spp.).

Stands of Cat-tails existed along a meandering section of the creekbed in the upper section of the creek that was eliminated and rerouted without the benefit of a Coastal Development permit.

As a major component of a Freshwater Marsh Plant Community Cat-tails shall be reestablished in the restored meandering upper section of the creekbed as indicated on the restoration site plan.

In addition, a flora inventory was conducted within the 30 acre site affected by development impacts and surrounding buffer areas that identified over 120 plant species, none of which are listed by the California Native Plant Society as rare or endangered within the Santa Monica Mountains or any federal or state agencies. California Black Walnut, however, is located on site and is listed as a sensitive species due to its limited distribution. The report submitted by Geo Safety, Inc., states that all California Black Walnut trees will be protected in place and that the species will be used extensively in the restoration of the Oak Woodland Plant Community.

Furthermore, a preliminary fauna inventory was also performed on site. This report by Geo Safety, Inc., states that although no species were observed on site that are identified as endangered, threatened, or rare species by state or federal governments,:

the habitats do exist on site for the endangered Western Pond Turtle (Clemmys marmorata), the endangered Red-legged Frog (Rana aurora) as well as the rare San Diego Mountain King Snake (Lampropeltis zonata pulchra) and the rare San Diego Horned Lizard (Phrynosoma coronatum blainvillii). The habitat for the endangered Tidewater Goby (Eucyclogobius newberryi) does not exist on site. A sensitive species that may be occurring because of the presence of some of its habitat is the Monarch Butterfly (Danaus plexippus; wintering habitat).

Both a fauna inventory and a watch list of sensitive species will be completed and will be incorporated in on-site monitoring requirements.

In addition, Geo Safety, Inc., performed an inventory of the oak trees on the subject sites, identifying 103 Coast Live Oaks within the developed site, ranging from 6.7 to 68.5 inches in diameter at 4.5 feet above ground level. However, only 94 of those Coast Live Oaks were subsequently graded to define their overall health, as eight were stumps and one had recently died. The Geo Safety report dated April 19, 2000 also states:

As many as 20 of these oaks are believed to have been relocated to the lawn area in front (south) of the main house and the lawn area along the east side of the pond. The vigor rating of these trees is generally poor to fair and reflects their declining health. Removal of oaks from other areas of the property was verified from stereo aerial photographs procured from the Coastal Commission. . . .

The present foliage of tree crowns within lawns or heavily impacted by previous development such as major grade changes appear even to the untrained eye as being thin with vigor generally fair to poor. In contrast, the foliage of the younger trees or trees in more protected or natural areas . . . is generally full or adequate with good vigor ratings. . . .

This reflects a dying oak woodland plant community or dying individual oaks with little regeneration in the areas impacted by lawns or extensive management such as understory ornamental vegetation or regular removal of accumulated debris litter from under the oak canopy. It is believed that the age of the largely declining and slowly dying majestic, mature heritage oaks, when measured in human lifespans, extends from 15 to over 25 human generations. The oaks are therefore irreplaceable if the human lifespan is used as a yard stick. . . .

Negative impacts on the oaks associated with development are manyfold. Soil compaction within the dripline of the oaks (i.e., heavily traveled pathways and corrals) reduces soil aeration and infiltration and percolation of water. Irrigation under the oaks leads to crown rot and decline in vigor of the trees as indicated in the tree crowns becoming sparser over the years and the trees eventually dying. Too much moisture and poor drainage around the base of the trees (added by soil compaction) especially in the summer time or during dry, hot weather (which can also extend throughout much of the winter season during drought years) encourages the development and spread of soil fungi including water molds.

Another deadly root disease is oak root fungus (oak shoe-string root rot caused by the mushroom-producing fungus Armillaria mellea). This disease kills oaks much faster than crown rot. Under natural conditions this fungus is found in the soil, even within the root system of the oaks but does little damage. Advanced Armillaria disease is indicated by a white or cream-colored fungus growing between the bark and the wood of the larger roots and portions of the main stem below the soil level. Another symptom is the presence of mushrooms around the bases of infected trees during the fall and winter months. The only effective way to prolong the life of affected oaks is to remove all irrigation from within the dripline of the trees.

As stated previously, the applicant is proposing to construct two new single family residences, an addition to an existing single family residence, two new guest houses, tea house pavilion, gym, security station, access roads and driveway realignment, gates, fencing, and new private sewage disposal systems. The applicant is also proposing to cosmetically remodel the interior of an existing guest house. Further, the applicant is proposing to demolish two existing single family residences, guest house, tennis court, water tank, and other miscellaneous structures on the site, some of which were permitted and some of which were not. As part of these applications, the applicant has also volunteered to restore approximately 14 acres of the subject sites to natural grade and vegetation (including areas within the riparian ESHA and blueline stream areas) and record a conservation easement of 58.3 acres located on two of the subject sites, twenty foot wide trail easement on one of the subject sites, and open space easement on a 13.34 acre parcel west of the subject sites, which has contiguous access by easement to 1401 Cold Canyon Road.

Overall, on all three of the subject sites, the applicant is proposing to realign portions of the existing driveway away from the trunks of oak trees where it is feasible to do so. In areas where this realignment is not feasible, the applicant is proposing the use of concrete root bridges. The concrete root bridges eliminate the compaction of soil within the protected zones of the oak trees, and in many cases, will reestablish a more natural drainage and infiltration pattern. The seven root bridges proposed consist of eight inch concrete slabs on existing grade. As a result, no grading will be required for their installation. Furthermore, the applicant has proposed to use permeable materials along numerous portions of the access roads on the sites in an effort to decrease impermeable coverage on the subject properties. In addition, all lawns, non-native shrubs and trees, irrigation, sheds, and parking areas are proposed to be removed from within the protected zones of the oak trees on all sites. Finally, all of the chain link and wrought iron fencing proposed on the subject sites will be wildlife permeable, with 10 foot wide openings in the fences at 150 foot intervals (Exhibit 29).

With the exception of the gym and tea house pavilion, all of the proposed building sites are already equipped with an existing access driveway. In addition, only 340 cubic yards of cut and 40 cubic yards fill grading is required for the realignment of the driveway and placement of permeable materials for the driveway and access roads. Furthermore, all of the new structures proposed, with the exception of the pool and portions of the existing driveway to be realigned, will be located outside of the protected zones of the on site oak trees. Likewise, all of the proposed septic systems will utilize leach fields located at least 50 feet from the protected zones of any oak trees and will

not result in any adverse effects to the habitat value of the sites. However, the proposed development will include the removal of three oak trees to construct the pool, widen an access road, and realign a portion of the driveway. The three oak trees to be removed are small in size, fair to good in vigor, and each with trunk diameters of 8.6 inches, 9.6 inches, and 12.6 inches at 4.5 feet in height. All will be transplanted in the restoration area of the Oak Woodland ESHA and are projected to benefit from the relocation, while serving as a component in the ESHA restoration.

In general, due to the present state of great disturbance on these sites, both permitted and unpermitted, the development proposed under these applications will result in a decrease in the footprint of development disturbance. For example, in their report dated April 19, 2000, Geo Safety, Inc., states:

The present development footprint as indicated by site disturbance inclusive of removal of native vegetation for fuel modification and ornamental landscaping, permitted and nonpermitted grading by the previous owner, and roads and structures, covers about 30 acres. Proposed restoration and removal of fuel modification impacts will reduce this footprint by about 25%.

In addition, the Fire Department's approved fuel modification plan for the proposed development requires no fuel modification within the area designated as ESHA, with the exception of the existing residence to be remodeled at 1405 Cold Canyon Road, discussed in further detail below. Furthermore, the Fire Department has not required any artificial wet or watered zones within the ESHA.

In past Commission actions, the Commission has limited development within the Cold Creek Resource Management Area to a 10,000 square foot pad. The development proposed on these sites is unique, however, in that it is located within areas where grading and/or structures were previously permitted by the Commission well beyond a 10,000 square foot area. Furthermore, the applicant is also proposing to remove previously permitted structures and development in conjunction with recording a 13.34 acre undeveloped parcel as open space to mitigate any additional impacts from the proposed development and additional square footage allowed for development. In sum, all three of the current applications propose to greatly reduce, where feasible, prior permitted and unpermitted impacts on the ESHA, blueline creek, and other resources that resulted from the existing development.

Although the above introductory discussion addresses common elements among the three CDP applications and their effect on sensitive resources and ESHA on the sites, the additional development proposed under each CDP application on the individual sites will be analyzed in separate sections for clarity purposes. In addition, the last section below will specifically address the restoration plan and remediation of violations voluntarily proposed under the three applications, which will greatly enhance on site resources and provide an immense rehabilitation to the ESHA and blueline stream.

1. CDP APPLICATION 4-00-190 (1409 Cold Canyon Road)

Under this application, the new proposed structures will be clustered together to reduce development impacts, new structures will be moved further away from the ESHA and blueline stream, and both permitted and unpermitted development will be demolished and removed from this 14.62 acre site. In those areas where structures are removed and no new structure is proposed, the underlying areas will be restored to natural grade and vegetation as part of the restoration plan.

In addition, lawns, ornamental landscaping, and irrigation systems will all be removed from the protected zones of 17 oak trees on this site and will be replaced with a thin layer of oak leaves and oak litter collected from natural sites, with a goal of steady accumulation of oak leaves from a healthy tree crown over time. Furthermore, following discussions with Commission Staff, the proposed lawn, access roads, and waterfall feature have been set back an additional five feet from the protected zones of on site oak trees so that they are a minimum of ten feet, rather than five feet from the crowns/driplines of the oak trees on this site. In addition, the applicant is also proposing to install protective fencing outside of the driplines of Oaks 78, 79, 80, and 81 in order to protect them from development impacts, including any parking within that protected zone. In addition, where lawns are proposed outside of the protected zones of oak trees, water will be collected along the downslope side of the lawn and recirculated as part of the landscape irrigation program. Finally, according to the "Oak Tree Report & Request for Oak Tree Permit for 1409 Cold Canyon Road," prepared by Geo Safety, Inc., dated August 15, 2000, the proposed construction on this site "will be accomplished without endangering the health of the remaining oaks." In sum, approximately 40,00 square feet of lawn, 4,200 square feet of dirt roads, 4,200 square feet of paved roads, and 36,000 square feet of horse corrals/riding rings will be removed, in addition to the restoration proposed which is discussed in further detail below, all of which will benefit the surrounding oak trees and natural habitat.

Through the removal of the existing single family residence at 1409 Cold Canyon Road, detrimental impacts that have been caused by this existing residence on adjacent oak trees to the south and west will be reduced, as the new single family residence will be sited further to the north and east, where no oak trees are immediately located. The area where the new single family residence is proposed is in the same area where the previous CDP 5-87-590 permitted 20,600 cubic yards of grading (10,600 cut and 10,000 fill). As a result, the site consists of a large previously permitted graded and level pad. The existing permitted 7,000 square foot residence will be demolished along with the associated 900 square foot garage, pool, and 8,300 square feet of adjacent covered porches, patios, decks, and exterior walkways. While the new single family residence has a greater square footage than the existing residence to be demolished, the development footprint will generally remain the same, although reduced in those areas adjacent to oak trees. Furthermore, the proposed single family residence will be set back approximately 115 feet from the outer limits of the ESHA and 180 feet from the streambed.

The applicant is proposing 1,003 cubic yards of cut and 1,928 cubic yards of fill grading for level changes, 1,100 cubic yards of excavation for the basement, 150 cubic yards of cut and 50 cubic yards of fill grading for the pool and spa, and 5,700 cubic yards of removal and recompaction in order to ensure a stable pad area for the new single family residence. Although grading is proposed for the construction of the single family residence, due to the existing permitted fill and graded area, the new grading will not result in any increased landform alteration or site disturbance provided that all material is stockpiled away from the protected zones of all oak trees and away from the ESHA and blue line stream.

One oak tree, Oak 95, will be relocated pursuant to this proposal, however, as it is within a compacted fill environment in the location where the new pool is proposed. In their report entitled, "Addendum to Preliminary Biological Survey & Restoration Proposal, 1409 Cold Canyon Road," dated November 7, 2000, Geo Safety, Inc., states:

The tree is not located in its natural environment. It was relocated to its present location by the previous owner and has declined in vigor, apparently because it was relocated onto a compacted fill adjacent to the present main house within a watered lawn environment. ...

If the tree would be located in a natural, noncompacted environment with good drainage, relocation of the pool would be preferable. However, in this case the re-relocation of the oak to a non-compacted environment onto the present fruit orchard south of the pond (also a former oak site) would be beneficial for it. The relocation of the tree would be accomplished without endangering the health of the remaining oaks. There are no other oaks within the protected zone of Oak #95.

Furthermore, in their report dated December 21, 2000, entitled, "Trey Trust Ranch: Responses to Coastal staff review dated 11/28/2000," Geo Safety, Inc., states that Oak 95 has been severely affected by poor drainage, with "extensive slime flux oozing from its bark" even after lawn irrigation had been eliminated within the vicinity. That report states:

The tree is slowly declining in its present location. However, the tree is young and can withstand being relocated as long as it is done before its health declines further. If relocated to less compacted, more natural areas within the restoration area, the tree is expected to recover.

Due to these special considerations and effort that will go into the successful relocation of Oak 95, the Commission finds that this will provide a benefit to the Riparian Woodland and Oak Woodland ESHA to be restored and may prevent this particular oak tree from dying if left in its current location.

In addition, although the existing road will be realigned away from the trunk of Oak #76, a concrete root bridge is also proposed, as the road will still remain within the protected zone of that oak tree. As a result, with the exception of the removal of Oak #95 and the encroachment into the protected zone of Oak #76, all development proposed at 1409

Cold Canyon Road has been set back outside of the protected zones of on site oak trees. The report dated December 21, 2000, prepared by Geo Safety, Inc., reiterates:

There will be no impacts of the proposed features within the protected zone of any of the oaks. Furthermore, wherever feasible, impact avoidance rather than impact mitigation has been implemented.

The proposed development has also been specifically designed to reduce or eliminate impacts to on site oak trees. For example, overhangs on the single family residence have also been redesigned, following discussions with Commission Staff, and set back outside the protected zones of adjacent oak trees. Likewise, the lawn proposed adjacent to Oak 96 has been set back an additional five feet from the protected zone and the lawn on the uphill side of Oak 96 has been eliminated. In addition, along the sidehill area of Oak 96, a French drain and soil filter/scrubber system is proposed to direct runoff and water away from that oak tree. Similarly, the proposed pool has also been set back further from the downhill side of the protected zone of Oak 96 and to prevent possible ponding of underground drainage near this oak tree, a subsurface drain system will direct water between the pool and the single family residence. Along the downslope side of proposed lawns, French drains will be installed that terminate in a soil filter/scrubber system. In addition, as part of the road realignment, a concrete root bridge will be installed within the protected zone of Oak 77 adjacent to the single family residence to eliminate soil compaction and allow the exchange of gases and water to the root system of the oak tree.

In conjunction with the development proposed on this site, miscellaneous fencing and walls are also proposed. As discussed above, two security gates are also proposed, one at the entrance from Cold Canyon and one at the security station along the driveway. Miscellaneous walls and terraces are also proposed adjacent to the main residence, tea house pavilion, garage, pool area, and gym, some of which retaining walls for erosion control. Furthermore, all fencing proposed will be wildlife permeable, as all chain link and wrought iron fencing will have ten foot wide openings at 150 foot intervals.

Lastly, there will be no fuel modification required for the single family residence within the ESHA to the south. However, the 100 to 200 foot thinning zone for the single family residence will extend into some small clearance areas to the north that are presently comprised of undisturbed chaparral existing on harsh, southerly facing exposures. However, in their report dated December 21, 2000, Geo Safety, Inc., states that "it is anticipated that little or no actual fuel modification or disturbance of the sparse native chaparral will actually be required in these areas."

The proposed gym, tennis court, and ball field will also be located within a disturbed area lacking native vegetation that currently is occupied by a riding ring and which was historically used for farming. The present riding ring in this area was recognized as existing at the time the Commission approved CDP 5-87-590. This pre-existing riding ring, measuring approximately 21,000 square feet in area and its associated fencing will be removed as part of the new development.

In addition, due to topography and the existence of the riding ring, this portion of the property is fairly level and flat in nature. As a result, the grading required for the structures will not result in major landform alteration. The gym will require 435 cubic yards of cut and 50 cubic yards of fill grading, 650 cubic yards of excavation for the basement, and 2,300 cubic yards of removal and recompaction to create a stable building area. Construction of the new tennis court will require 140 cubic yards of cut and 140 cubic yards of fill grading. Furthermore, the gym will be set back approximately 420 feet from the outer limits of the ESHA and 510 feet from the streambed, the ball field will be set back approximately 480 feet from the outer limits of the ESHA and 480 feet from the streambed, and the tennis court will also be set back approximately 480 feet from the ESHA and 510 feet from the streambed. As a result, due to the present flat nature of the site in this location and the existing disturbance and lack of native vegetation in the building areas, this development will not create any significant adverse effect on environmental resources or major landform alteration.

Furthermore, this portion of the proposed development is not expected to adversely affect the on site oak trees. The grasscrete road leading to the gym has been redesigned, following discussions with Commission Staff, to be a minimum of five feet uphill from and outside of the protected zones of Oaks 80 and 81. In addition, four inch diameter French drains will be installed along this road to direct runoff water from the lawn proposed for the ball field away from on site oak trees.

In addition, fuel modification impacts have been greatly reduced for the gym by the applicant in response to concerns by Commission Staff. The proposed gym has been relocated so that it is now set back from the adjacent property line to the north by 125 feet. Furthermore, as it is not a habitable structure and will be constructed of "fire-safe" materials, the Fire Department has approved the applicant's fuel modification plan that will not require fuel modification beyond the property boundary 125 feet to the north of the structure. Fuel modification thinning will still extend into small portions of undisturbed chaparral north of the gym on site, nonetheless. Due to the rocky, southerly facing exposure to the north of the gym, however, this affected area is largely devoid of vegetation.

Further, as a mitigation measure for the construction of these structures, the applicant is also removing a permitted 2,400 square foot barn/storage structure, abandoning the 750 square foot guest house (the permit for which was vested, although the structure was not yet built), removing 40,000 square feet of lawn adjacent to oak trees, and removing the existing tennis court at 1401 Cold Canyon Road (which was previously permitted near the present proposed location, but not in the existing location near the creek). Additionally, as a further mitigation measure to allow for this new development, the applicant is proposing to record a separate undeveloped 13.34 acre parcel as open space, which is located west of the subject site.

In addition, pursuant to the approval of CDP 5-87-590-A (Vinton), the Commission approved a 300 square foot greenhouse in the location of the proposed 750 square foot tea house pavilion. The applicant is proposing to demolish the greenhouse. As a

result, the site footprint for the new tea house pavilion will generally be within the same disturbed footprint of the greenhouse previously permitted. In addition, no fuel modification will be required by the Fire Department within the ESHA area to the south of the tea house pavilion. However, some fuel modification within the 100 to 200 foot thinning zone will be required in some undisturbed chaparral areas located 150 to the north on harsh, southerly facing exposures. However, the plans submitted by the applicant illustrate that the tea house pavilion and its associated walls are only set back approximately 90 feet from the streambed and 70 feet from the outer limits of the ESHA. In past Commission actions, the Commission has required that new structures maintain a 100 foot setback from both the outer limits of the ESHA and from streambeds. As a result, **Special Condition Twelve (12)** requires the applicant to submit revised plans illustrating that the tea house pavilion, including all garden walls and associated patios and walkways, be set back at least 100 feet from both the outer limit of the ESHA and the streambed.

2. CDP APPLICATION 4-00-191 (1405 Cold Canyon Road)

Under this application, portions of the existing one story 2,500 square foot single family residence that was built prior to the Coastal Act during the 1960's will be demolished, including a 750 square foot carport and screened porch adjacent to existing oak trees and the ESHA on this 5.38 acre site. The applicant is also proposing to construct a second story 2,800 square foot addition within the existing footprint of this existing single family residence, along with a 700 square foot attached garage and 700 square feet of patios and walkways, which will not encroach into the protected zones of any oak trees. This site will also maintain the new 430 square foot security station with a 250 square foot attached carport. Lastly, the applicant is also proposing a cosmetic interior remodel of the existing permitted 750 square foot guest house on this site. The site also maintains an underground 1,600 square foot bomb shelter adjacent to the single family residence and security station that was built prior to the Coastal Act, although the applicant is not proposing to remodel it at this time.

The proposed additions to the existing single family residence, built prior to the Coastal Act, will not encroach within the protected zones of the adjacent oak trees. The addition will be located behind the residence, whereas the oak trees are located in front of the residence. The applicant is also proposing a second story addition to this residence, which will be located within the same footprint as the existing residence and will not encroach within the protected zones of any oak trees. Furthermore, some of those portions of the existing single family residence that were originally built encroaching within the oak trees' protected zones will be demolished and removed. As a result, in sum, sections of the existing structure presently located under the canopies of mature oak trees will be removed and the additions will be located outside of the driplines so that the proposed construction may be accomplished without endangering the health of those adjacent oak trees.

In addition to improvements to the existing single family residence, the applicant is also proposing an interior, cosmetic remodel of the existing 750 square foot guest house,

which was approved by the Commission pursuant to CDP 5-87-590-A. This remodel will consist of changing the finishes and flooring, with no removal of interior walls. The applicant is also proposing to add 300 square feet of patios and walkways in addition to a new six foot high, 400 foot long garden wall around the guest house. This wall, patios, and walkways will not be located in the nearby vicinity of any on site oak trees, will not require any grading, and will not cause any significant disruption to the habitat or resources on site.

Lastly, as part of the road realignment and concrete root bridging, the applicant is proposing to relocate the large existing entrance gate that greatly impacts the heritage oaks at the entrance to the property along Cold Canyon Road and relocate it as three minor gates (which are proposed under all three CDP applications discussed herein) that can more effectively serve the three contiguous parcels. This system will be supported by a 430 square foot security station with a 250 square foot attached carport located at 1405 Cold Canyon Road. The security station will be located within the turn around required by the Fire Department adjacent to the driveway. As Geo Safety, Inc., states in their report dated November 7, 2000:

This new location of the relocated gate system supported by a small guardhouse would further greatly reduce detrimental impacts on the oak woodland by blocking off and eliminating a second permitted asphalt-paved access driveway that leads uphill for 100 feet to the main house at 1405 Cold Canyon Road, presently seriously impacting several large oaks including a heritage oak (#54, #55).

In sum, the construction of the security station will not significantly affect habitat values on the subject property, as the site for the station is outside all protected zones of oak trees, adjacent to the road and turn-around, and will require no fuel modification by the Fire Department.

In conjunction with the development proposed on this site, miscellaneous fencing and walls are also proposed. As discussed above, two security gates are proposed, one at the entrance of the driveway from Cold Canyon Road and one at the security station along the driveway. Retaining walls will also be installed behind the security station and the single family residence for erosion control. Furthermore, all fencing proposed will be wildlife permeable, as all chain link and wrought iron fencing will have ten foot wide openings at 150 foot intervals .

As with the other sites, lawns, ornamental landscaping, and irrigation systems will all be removed from the protected zones of eighteen oak trees on this site and an effort will be made to restore those oak trees that have suffered in health due to poor maintenance or unpermitted activities. Oak leaf mulch that encourages natural regeneration will be placed beneath the protected zones of the oak trees on site following the removal of lawns, irrigation, railroad ties, and other non-native vegetation and ornamentation. Additionally, the small vineyard that is currently located upslope from the oak trees and ESHA, which could adversely affect those resources, will also be removed pursuant to this application. In sum, there will be a net reduction in lawn area on this site of approximately 31,860 square feet and a 3,520 net reduction in

impermeable paving, in addition to the restoration proposed which is discussed in further detail below, all of which will benefit the surrounding oak trees and natural habitat.

Additionally, as with 1409 Cold Canyon Road, one oak tree will also need to be removed at this site due to the realignment of the driveway. At present, two narrow driveways access the single family residence. Under the applicant's proposal, the southern driveway will be retired completely along with the carport at its terminus and the northwestern driveway will be widened to from 11 to 15 feet to meet safety standards. To widen the northwestern driveway, however, Oak 65 will need to be removed. This driveway may not be widened on the other side of Oak 65, as two mature oaks are located there. Oak 65, however, is a small, vigorous sapling that grew adjacent to the driveway and according to Geo Safety, Inc., in their December 21, 2000, report, it will "readily survive being relocated to the oak woodland restoration area." The alternative to removing this oak tree would be to widen the other existing driveway. This alternative is not preferable from a resource standpoint, however, as it would require extensive grading and would have a detrimental impact on the heritage oaks located along the driveway.

Furthermore, the applicant's Wildland Resource Sciences consultant, Geo Safety, Inc., has also suggested in his report dated January 25, 2001, the possibility of relocating Oak 52, a 36 inch tall, 36 inch diameter resprouting stump that has regenerated from an oak tree that appears to have been cut down after falling across the road sometime after 1977. At the discretion of the restoration specialist or oak tree expert, this resprouting tree stump may be relocated to an appropriate place within the oak woodland restoration area along the blueline stream. Due to its proximity to the paved driveway, the resprouting stump of Oak 52 could, in fact, benefit from this relocation.

In addition, this site also maintains Oaks 72, 73, 74, 75, and 76 along its easterly property line. It is believed that these oak trees were relocated here from the oak woodland ESHA of the subject sites by the previous owner during the late 1980s without the benefit of a CDP. These oak trees were not planted correctly, however, and are suffering in health as a result. They were planted at too low of a grade and water ponds around the trunks, particularly when the adjacent permitted pond overflows into the oak tree area during periods of rainfall. The applicant is proposing to remove approximately 24,000 square feet of lawn and ornamental vegetation within the protected zones of these oak trees, in addition to Oaks 53 to 64 and 70, however. Additionally, during the lawn removal, the area surrounding Oaks 72 to 76 may be regraded and "lifted" onto higher mounds to provide for better drainage for these oak trees. Although the pond is supplied solely by municipal water, the water level and overflow may be lowered so that during periods of heavy rain it does not overflow and saturate the roots of these oak trees. Further, the new waterfall features proposed adjacent to the pond in this area will not affect the oak trees, according to the November 7, 2000 report submitted by Geo Safety, Inc., and is set back from the protected zones.

In order to construct the addition behind the residence, however, 200 cubic yards of cut, 90 cubic yards of fill, and 600 cubic yards of removal and recompaction grading will be performed, none of which will occur within the protected zones of any oak trees. The construction of the security station will require 200 cubic yards of cut and 90 cubic yards of fill grading, none of which will occur within the protected zones of any oak trees. The excess cut will be exported to 1401 Cold Canyon Road and will be used as part of the restoration plan. This grading will not result in any increased landform alteration or site disturbance provided that all material is stockpiled away from the protected zones of all oak trees and away from the ESHA and blueline stream.

Lastly, the approved fuel modification plan for this development does not require any modification within the ESHA, with the exception of a 100 foot radius for zones A and B. These zones are directly downslope from the existing single family residence, which was built along the driplines of the adjacent oak trees prior to the Coastal Act. This area downslope from the residence would need to be maintained for fuel modification purposes regardless of the proposed new additions to the residence. As a result, the impacts are not new in nature. Nonetheless, to maintain this area in a fire safe condition, the crowns of the oaks in the vicinity must be occasionally "dead-wooded" and flammable understory vegetation must be eliminated. No artificial wet or watered zones are required within the ESHA area, however. The fuel modification requirements for the guest house will not change pursuant to the proposed interior cosmetic remodel. Further, in their approval of the fuel modification plan for the site, the Fire Department will not require any fuel modification for the security station.

3. CDP APPLICATION 4-00-192 (1401 Cold Canyon Road)

Under this application, the applicant is proposing to demolish the existing 1,270 square foot single family residence and 750 square foot guest house that were approved by the Commission pursuant to CDP 5-87-590 and CDP 5-87-590-A. The applicant is proposing to then construct a new 6,700 square foot single family residence with an attached garage and 800 square feet of miscellaneous patios and walkways and a new 750 square foot guest house with an attached 500 square foot garage and 200 square feet of miscellaneous patios and walkway. The new single family residence and guest house will be constructed in the same general location as the previously approved structures on this site. The proposed structures will also be clustered together on this 68.92 acre site to reduce development impacts. In addition, in order to construct the new single family residence and guest house, 394 cubic yards of cut, 150 cubic yards of fill, and 1,040 cubic yards of removal and recompaction grading will be performed, none of which will occur within the protected zones of any oak trees and will not amount to major landform alteration.

Although the single family residence is set back approximately 210 feet from the outer limits of the ESHA and 390 feet from the streambed, the guest house is only set back approximately 90 feet from the outer limits of the ESHA. The guest house is set back 150 feet from the streambed, however. In past Commission actions, however, the Commission has required that new structures maintain a 100 foot setback from both the

outer limits of the ESHA and from streambeds. As a result, **Special Condition Twelve (12)** requires the applicant to submit revised plans illustrating that the guest house including all garden walls and associated patios and walkways, are set back at least 100 feet from both the outer limit of the ESHA.

In addition, in conjunction with the development proposed on this site, miscellaneous fencing and walls are also proposed. As discussed above, two security gates are proposed, one at the entrance of the driveway from Cold Canyon Road and one at the security station along the driveway. Garden walls are also proposed around the single family residence and guest house. Furthermore, all fencing proposed will be wildlife permeable, as all chain link and wrought iron fencing will have ten foot wide openings at 150 foot intervals .

Further, the applicant has voluntarily proposed to perform vast amounts of restoration on this site in the areas of the blueline stream, Riparian Woodland, Oak Woodland, Chaparral, Freshwater Marsh, and ESHA areas, as with the other sites. As with the other sites, in those areas where structures are removed and no new structure is proposed, the underlying areas will be restored to natural grade and vegetation as part of the restoration plan. In addition, lawns, ornamental landscaping, and irrigation systems will all be removed from the protected zones of 27 oak trees on this site and will be replaced with a thin layer of oak leaves and oak litter collected from natural sites, with a goal of steady accumulation of oak leaves from a healthy tree crown over time. In sum, 24,340 square feet of lawn, 33,570 square feet of impermeable area, 36,600 square feet of dirt roads, and 17,300 square feet of horse corrals will be removed on this site, in addition to the restoration proposed which is discussed in further detail below, all of which will benefit the surrounding oak trees and natural habitat.

Additionally, as with 1409 and 1405 Cold Canyon Road, one oak tree will also need to be removed at this site due to the realignment of the driveway. Oak 14, proposed to be removed and relocated to the oak woodland restoration area, is a small, eight inch diameter oak that grew up as a sapling directly adjacent to the downhill side of the narrow asphalt driveway that needs to be widened to meet Fire Department standards. It is also located within the canopy of a large Red Willow tree. At present, due to its location beneath the large canopy of the Red Willow tree, the trunk of Oak 14 is leaning onto the road and its canopy is extending over the road. As a result, Geo Safety, Inc., concludes in their December 21, 2000 report:

If the tree is not removed, its crown will be continuously butchered in the future to provide adequate clearance for vehicular access and Fire Department road clearance standards.

Further, Oak 6 has died on this site, although it has not been cut down. However, it is believed that it died within the last three years since the area was perhaps used as a parking lot or storage area and the ground was subsequently heavily compacted (Exhibit 39). Further, Oak 18 is also estimated by Geo Safety, Inc., in their report dated January 25, 2001 as having died on this site within the last ten years. As these two oak trees have recently died, apparently as a result of unpermitted grading by the prior

owners, **Special Condition Six (6)** requires the applicant to replace these trees at a ratio of at least 10:1. Furthermore, under **Special Condition Six (6)**, the applicant must also submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size planting specifications, and a monitoring program to ensure that the replacement planting program is successful.

Lastly, the approved fuel modification plan for this development does not require any modification within the ESHA and no artificial wet or watered zones are required within the ESHA area (Exhibit 33). However, required fuel modification within the 200 foot fuel modification zone for both the single family residence and the guest house will partially extend into approximately 1.7 acres of undisturbed chaparral areas. Geo Safety, Inc.'s report dated November 7, 2000 states:

However, this figure does not take into account that the June 2000 brush clearance violation notice issued for 1401 Cold Canyon Road only required fuel modification to the ridge above the guesthouse or 150 feet to the south instead of the theoretical 200 feet required for all new construction, thereby reducing the fuel modification extending into natural areas by approximately one acre.

Furthermore, as with the other two sites, there will be no off site fuel modification required for either the single family residence or the guest house. Finally, within this site, restoration will also be performed in areas where excessive fuel modification has occurred into natural areas beyond the 200 foot boundary from the structures, approximately 2.4 acres in area.

A substantial amount of development has occurred on this site, in addition to the other sites, and the applicant has voluntarily proposed to remediate these violations and restore those areas to natural grade and vegetation, including the ESHA and blueline creek areas. The restoration of unpermitted development on this site and the other two sites, in addition to the restoration of areas where permitted development will be removed is discussed in further detail below.

4. RESTORATION PLAN and VIOLATION REMEDIATION

The development on the subject sites that has occurred without the benefit of a CDP includes the construction of miscellaneous structures, substantial amounts of grading, removal of native vegetation, and alteration of the blueline creek. In fact, according to Geo Safety, Inc., the Riparian Woodland and Oak Woodland ESHA appears to have been greatly altered by the previous owner, and in part, eliminated through this unpermitted development (Exhibit 37). Through the current CDP applications, however, the applicant has voluntarily proposed remediate these violations and to restore all areas where unpermitted grading, removal of vegetation, and streambed alteration have occurred. Further, the restoration plan also proposes to restore Chaparral and Freshwater Marsh Plant Communities on the subject sites.

As stated previously, the unpermitted development performed on the site includes a tennis court and pavilion constructed adjacent to the blueline creek and Riparian and Oak Woodland ESHA (rather than the permitted location under CDP 5-87-590 further to the northeast and away from these sensitive resources; grading of pads for the guest house and storage building (which were permitted under CDP 5-87-590-A, but with no grading) at 1409 Cold Canyon Road and which eliminated a minor drainage; grading within the streambed (reducing it to a channel cut largely through fill dirt); elimination and rerouting of a meandering portion of the upper section of the creek; removal and relocation of approximately 20 mature Coast Live Oak trees from the Riparian and Oak Woodland ESHA area to the single family residence and pond area at 1409 Cold Canyon Road (Exhibit 38); altering of creek banks to provide grassy lawns along the access road east of the creek; horse barn with attached metal horse corrals; miscellaneous storage sheds; chicken coop; gas tank and utilities; 40,000 square foot horse corral and exercise ring surrounded by plastic rail fencing (the construction of which required realignment of the creek); planting of non-native ornamental vegetation; placement of ornamental features, such as railroad ties; vineyard; extensive clearance of native riparian vegetation to provide a manicured, landscaped appearance; grading within the protected zones of oak trees; installation of irrigation systems within the driplines of oak trees; and gate at the entrance to the public hiking and equestrian trail easement. Finally, the estimated total amount of unpermitted grading that occurred is estimated to be 24,000 cubic yards (15,500 cubic yards of cut and 13,500 cubic yards of fill). This unpermitted grading apparently occurred at 1409 Cold Canyon (5,000 cubic yards of cut and 5,500 cubic yards of fill) and 1401 Cold Canyon Road (5,500 cubic yards of cut and 8,000 cubic yards of fill). With the exception of the gate at the entrance to the public hiking and equestrian trail easement, the applicant has voluntarily proposed to remove all unpermitted development and restore all areas of the site disturbed by unpermitted activities.

Through the current permit applications, the applicant has voluntarily proposed to resolve the above referenced violations to nearly the maximum extent feasible through restoration, removal, and demolition (with the exception of the gate at the entrance to the trail) and protect these restored areas from future development. The applicant is also proposing to extensively restore to natural grade and vegetation substantial portions of the property, including disturbed portions of the blueline stream and riparian ESHA. In addition, the applicant has voluntarily proposed to reduce and eliminate, where feasible, future development impacts on the blueline stream and adjacent riparian ESHA. The development footprint will be reduced through the clustering of new development away from the creek and riparian ESHA, removal of permitted development such as lawns, non-native shrubs and trees, and storage shed/barn.

Additionally, the applicant is also voluntarily proposing substantial mitigation measures for any new impacts that may be caused by the proposed development, including dedicating a 13.34 acre parcel to the west as open space and dedicating 58.3 acres on two of the three subject sites as a conservation easement. The applicant intends to grant this conservation easement in favor of the Mountains Restoration Trust. In addition, following discussions between the applicant and the Mountains Restoration

Trust, a "Grant of Conservation Easement" has been drafted (Exhibit 43). Included within this conservation easement will be a large portion of the blueline stream and riparian ESHA area that will be restored and both restored and undisturbed native chaparral areas. In sum, although the applicant is proposing a substantial amount of new development on the subject sites, the applicant is proposing to remove the majority of the existing permitted development, remove unpermitted development, restore areas negatively affected by both permitted and unpermitted development, design the proposed new development in a manner that will reduce negative environmental impacts, and mitigate impacts of the development through creation of open space and conservation easements.

The applicant is proposing to remove the existing tennis court that was built in an unpermitted location, along with the access road that was constructed to the tennis court. Further, the applicant is proposing to restore the areas where the 24,000 cubic yards (15,500 cubic yards of cut and 13,500 cubic yards of fill) occurred to natural grade and landscaping (Exhibit 32). In sum, over 11 acres on the three sites will be restored to Riparian Woodland, Oak Woodland, Freshwater Marsh, Chaparral Plant Communities, including restoration and natural realignment of the blueline stream (Exhibits 30, 31 and 32).

The report submitted by Geo Safety, Inc., dated December 12, 2000 provides a summary of the restoration to occur on site. That report states:

Vegetation restoration will occur along the whole length of the creek within the project boundary for a distance of approximately 2100 linear feet and covers the upper, central, and lower sections of the creek over an area of approximately 11.7 acres. However, restorative grading that will also realign the present altered creek channel to its approximate original location where feasible is limited to the upper section of the creek and surrounding watersheds and stretches along 1200 linear feet along the creek within 1401 and 1409 Cold Canyon Roads. This area of the creek leads from the northern property boundary of 1409 Cold Canyon Road above the present location of the permitted metal barn (to be removed) to culvert #4, which delineates the western boundary of the pond. The goal of the restorative grading is to create approximate pre-disturbance topography within the greatly disturbed and altered upper drainage channel. The goal of the follow-up extensive vegetation restoration is to restore the area to a functional watershed through reestablishment of riparian woodland and oak woodland habitats adjacent to the creek and native chaparral habitats on the adjacent slopes.

This upper (creek) grading restoration area, which includes adjacent chaparral slopes, covers approximately 6.0 acres and requires approximately 13,00 c. yds. of cuts and an equal amount of fill. To provide a balanced cut and fill operation 2,500 cubic yards are imported from permitted grading at the mainhouse and gym at 1409 Cold Canyon Road. This total grading yardage includes 5,500 cubic yards of cuts and 8,000 cubic yards of fill on approximately 4 acres at 1401 Cold Canyon Road and 5,500 cu. yds. of cut and 5,000 cu. yds. of fill on approximately 2.0 acres at 1409 Cold Canyon Road. Such grading restoration work will require the use of heavy equipment such as bulldozers and graders.

The central section of the creek is approximately 250 feet long and is described as the area delineated by the pond and present culverts #4 to the west and #5 to the east. Restoration focuses on planting of riparian vegetation along the immediate creekbanks

adjacent to the pond, a slight road realignment and root-bridging around Oak #44, and oak plantings within the disturbed oak woodland south of the road that runs along . . . this side of the pond.

This report goes on to state that the lower section of the creek that runs a linear distance of approximately 685 feet before meeting a primary blueline tributary to Cold Creek will also be realigned back to a "meandering natural alignment, gentle banks and riparian vegetation largely covering the creek." This section of the creek, incidentally, is fed nearly year round by a spring that daylight south of culvert #6. In addition, as part of this creek realignment, three culverts will be removed, which were previously permitted.

The Geo Safety, Inc., report goes on to state:

The creek bank south of the entrance driveway had apparently been converted by previous owners into a parking lot that covered approximately 0.15 acres and resulted in heavy compaction of the topsoil and subsoil. The soil imported to this area to create the parking lot will be removed by hand labor from within the driplines of oaks, sycamores, and willows and will be deposited at the upper creek restoration site for use in restorative grading. The area will then be regraded with the use of hand tools to approximate natural topography and drainage.

In addition, the applicant is proposing to plant a minimum of 102 Coast Live Oaks on the subject sites as part of the oak woodland restoration program and landscaping plan. In their report dated January 25, 2001, Geo Safety, Inc., illustrates that a variety of sizes of oak trees will be utilized, including 15 gallon oaks, 24, 36, 48, 60, and 72 inch boxed oaks. Many of these trees have already been purchased and will make it possible to establish an "all age" stand of oak trees. Willow restoration is also included in the plan and will largely consist of establishing cuttings from Red Willows existing on site. Cat-tails, rushes, and sedges will be used for revegetation along the mid and lower sections of the creek banks. Further, all non-native vegetation within the restoration area shall also be removed, including over 300 non-native trees such as eucalyptus and pine.

This Geo Safety, Inc. report also makes findings regarding protective measures to be taken to ensure that the restoration activities do not have any adverse impacts on the surrounding resources. That report states:

The most important measures taken for protection of possible on-site aquatic resources will be impact avoidance. It is therefore proposed that the grading be initiated and completed during the dry season from May 1 through September 15, 2001. Planting and seeding should commence thereafter and be completed by October 15 so that germination of seeds (supported by a temporary irrigation system) earmarked for temporary erosion control can take place before the onset of the winter rains and provide an effective vegetative cover. This schedule would comply with best management practices for erosion control and control of storm-related runoff from the regraded areas . . .

Measures to protect the local habitat will include . . . delineating the project site with tape and debris fencing and conducting on-site monitoring during restoration to assure that the stated resources are protected and that the restoration activities do not extend beyond the permitted project area. If aquatic resources are found during on-site restorative work, such work, if necessary, will be temporarily discontinued within the affected area and such resources relocated immediately downstream to a more equitable habitat.

Due to the blueline stream and sensitive resources on these sites where grading is proposed, **Special Condition Two (2)** requires that all grading must take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. Furthermore, **Special Condition Two (2)** also requires the applicant to submit an erosion control plan that delineates the areas for stockpiled material, which will assure that any earth material or construction debris will be placed in appropriate locations on the site with no adverse affect on resources.

Although the existing permitted driveway currently passes through the driplines of numerous mature oak trees, the proposed development may adversely affect the oak trees adjacent to the driveway and proposed development. As a result, the proposed development has the potential to negatively impact the surrounding oak tree resources and ESHA area. The article entitled, "Oak Trees: Care and Maintenance," prepared by the Forestry Department of the County of Los Angeles, states:

Oaks are easily damaged and very sensitive to disturbances that occur to the tree or in the surrounding environment. The root system is extensive but surprisingly shallow, radiating out as much as 50 feet beyond the spread of the tree leaves, or canopy. The ground area at the outside edge of the canopy, referred to as the dripline, is especially important: the tree obtains most of its surface water and nutrients here, as well as conducts an important exchange of air and other gases.

This publication goes on to state:

Any change in the level of soil around an oak tree can have a negative impact. The most critical area lies within 6' to 10' of the trunk: no soil should be added or scraped away. . . . Construction activities outside the protected zone can have damaging impacts on existing trees. . . . Digging of trenches in the root zone should be avoided. Roots may be cut or severely damaged, and the tree can be killed. . . . Any roots exposed during this work should be covered with wet burlap and kept moist until the soil can be replaced. The roots depend on an important exchange of both water and air through the soil within the protected zone. Any kind of activity which compacts the soil in this area blocks this exchange and can have serious long term negative effects on the trees. If paving material must be used, some recommended surfaces include brick paving with sand joints, or ground coverings such as wood chips . . .

This publication also notes specific considerations for landscaping and watering underneath and near oak trees, and states:

Improper watering is often overlooked as the cause of tree death because it can take years for the damage to show. Once the tree shows obvious signs of decline, it is often

too late to correct the problem. . . .Overwatering, especially during the summer months, causes a number of problems which can lead to decline and eventual death of the tree. It creates ideal conditions for attacks of Oak Root Fungus by allowing the fungus to breed all year. In addition, both evergreen and deciduous oaks grow vigorously in the spring and naturally go dormant in the summer. Extra water only encourages new tip growth which is subject to mildew. Oaks need this period of rest.

There should be no planting within a minimum 6 to 10 feet of the trunk. Avoid plants that require any supplemental water once established. Chose plants suited for "dry shade."

Although many protective measures have been set forth by the applicant's consultant, Geo Safety, Inc., the Commission notes that the proposed development includes the removal of soil and paving within and adjacent to the surrounding oak trees and ESHA. The Commission further notes that the proposed construction activities can have detrimental impacts on those oak trees whose driplines are located both within and outside of the area to be disturbed by the project. In addition, the Commission finds it can frequently take over 10 years before damage to oak trees becomes apparent.

In order to minimize negative impacts on the surrounding oak trees and ESHA pursuant to the proposed development, **Special Condition Six (6)** requires the applicant to retain the services of an independent biological consultant or arborist with appropriate qualifications to be present on site during realignment of the driveway and all grading, construction, and restoration activity. In addition, **Special Conditions Six (6)** and **(2)** also require the use of protective fencing around the outermost limits of the driplines of the oak canopies within or adjacent to the construction area that may be disturbed during construction, grading, or restoration activities. **Special Condition Six (6)** also requires the consultant to immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by these permits. Furthermore, this monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise.

To further minimize potential negative impacts to the surrounding oak trees and ESHA pursuant to the proposed development and ensure that all unpermitted development is resolved as proposed pursuant to the restoration plan, **Special Condition Six (6)** also requires the applicant to implement all restoration, mitigation, and oak tree preservation measures enumerated in those reports prepared by Geo Safety, Inc., dated January 25, 2001, January 3, 2001; January 2, 2001; December 21, 2000; December 12, 2000; December 4, 2000; November 7, 2000; August 15, 2000; July 24, 2000; and April 19, 2000. In addition, **Special Condition Six (6)**, also requires the applicant to retain a qualified oak tree consultant to monitor the following oak trees (as identified in the "Preliminary Biological Survey & Restoration Proposal," prepared by Geo Safety, Inc., dated April 19, 2000, for a period of ten (10) years minimum: 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 14, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102.

Furthermore, under **Special Condition Six (6)**, an annual monitoring report must be submitted for the review and approval of the Executive Director for each of these 10 years. As stated previously, it often takes many years for oak trees to display signs of damage and may be difficult to determine the precise cause of death or worsened health. Through **Special Condition Six (6)**, if any oak trees are lost or suffer worsened health or vigor, regardless of the cause, the applicant shall plant replacement trees on the site at a rate of at least 10:1. Moreover, pursuant to **Special Condition Six (6)**, if replacement plantings are required, the applicant is required to submit, for the review and approval of the Executive Director, an oak tree replacement planting program, prepared by a qualified biologist, arborist, or other qualified resource specialist, which specifies replacement tree locations, planting specifications, and a monitoring program to ensure that the replacement planting program is successful. Additionally, under **Special Condition Six (6)**, for those oak trees that have died on site due to activities that have already occurred without the benefit of a Coastal Development Permit, including those Oak Trees 6, 18, and 52, replacement plantings shall be performed at a ratio of at least 10:1.

As stated previously, portions of the driveway realignment, construction activities, and restoration will occur within the protected zones of numerous mature oak trees. As mentioned above, portions of the proposed driveway are located adjacent to or within the protected zones of oak trees. As the root systems of oak trees are extensive but shallow, radiating out as much as 50 feet beyond the spread of the canopies, the ground area at the outside edge of the dripline is especially important since the trees obtain most of their surface water and nutrients there, as well as exchanging of air and other gases. As a result, paving within an area maintaining these root systems of oak trees, can eliminate this exchange of water, nutrients, air, and other gases, thereby harming or killing the oak trees. The applicant has proposed to realign the driveway away from the trunks of all oak trees, where feasible, and to use concrete root bridges for those portions of the driveway that will encroach within any protected zones of on site oak trees. The use of permeable materials in numerous areas of the access roads is also proposed. These measures voluntarily proposed by the applicant will aid in preventing further harm to the oak trees on site and increase the exchange of air, water, and other gases to the root systems of those oak trees.

The Commission also notes that increased erosion on site could adversely impact the surrounding oak trees and ESHA by interfering with the interchange of air and water to the root zones of the oak trees. Erosion can best be minimized by requiring the applicant to landscape all disturbed areas of the site with native plants, compatible with the surrounding environment and oak tree habitat. The landscaping of the disturbed and graded areas of the subject site with such native plant species will assist in preventing erosion, displacement of native plant species by non-native or invasive species, and serve to protect the oak trees and Riparian Woodland, Oak Woodland, Freshwater Marsh, and Chaparral Plant Communities. In addition, the use of native, drought resistant plant species compatible with these areas will minimize the need for irrigation and water, thereby preventing additional adverse impacts on the these resources, ESHA, and blueline stream.

In addition, invasive, non-indigenous plant species tends to supplant species that are native to the Malibu and Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of the native habitat and loss of native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast growing trees that originate from other continents that have been used as landscaping in this area have invaded and seriously degraded native plant communities adjacent to development. Due to these considerations, **Special Condition Two (2)** requires a landscape plan comprised of native plant species, compatible with the surrounding Riparian Woodland, Oak Woodland, Freshwater Marsh, and Chaparral Plant Communities, in conjunction with an interim erosion control plan.

In order to ensure that vegetation clearance for fire protection purposes does not occur prior to commencement of grading or construction of the proposed development, the Commission finds it necessary to impose a restriction on the removal of natural vegetation, as specified in **Special Condition Three (3)**. This restriction specifies that natural vegetation shall not be removed until grading or building permits have been secured and construction of the permitted development has commenced, preventing unnecessary disturbance of the area. In addition, **Special Condition Two (2)** also requires the applicant to submit an approved long-term fuel modification plan pursuant that provides for the most minimal disturbance feasible of the on site oak trees and ESHA. Furthermore, **Special Condition Five (5)** requires a drainage and polluted runoff control plan, which will minimizes the volume, velocity, and pollutant load of stormwater leaving the developed site. The Commission finds that a drainage and polluted runoff control plan will serve to minimize the environmental and sensitive habitat degradation associated with erosion and polluted runoff.

Furthermore, in past Commission actions, the Commission has required that new structures maintain a 100 foot setback from both the outer limits of an ESHA and from streambeds. As a result, **Special Condition Twelve (12)** requires the applicant to submit revised plans illustrating that the tea house pavilion (proposed under CDP Application 4-00-190) and the guest house (proposed under CDP Application 4-00-192), including all garden walls and associated patios and walkways, be set back at least 100 feet from both the outer limit of the ESHA and the streambed.

In addition, night lighting of a high intensity has the potential to disrupt the hunting, roosting, and nesting behavior of wildlife that occupy this sensitive habitat area. Sensitive species, such as the Cooper's Hawk, which is a very localized and uncommon breeder in coastal Southern California, were observed in the area of the subject site. As a result, **Special Condition Seven (7)** reduces the disruptive effects that night lighting can have on the wildlife occupying these sensitive habitat areas, by restricting outdoor night lighting to the minimum amount required for safety. Further, in order to ensure that all required government approvals have been received by the applicant and that all necessary resource protection measures are followed, **Special Condition Fifteen (15)** requires the submission of a valid Streambed Alteration Agreement from the California Department of Fish & Game and a valid U.S. Army Corp of Engineers

permit, or evidence that such approvals are not required. Finally, **Special Condition Eight (8)** addresses future development by ensuring that all future development proposals for the sites, which might otherwise be exempt from review, would require prior review so that potential impacts to this sensitive habitat area may adequately be considered.

In sum, the applicant has designed a project and restoration program that will not result in any significant adverse impacts to the habitat values on the subject sites. Furthermore, the restoration program that the applicant has voluntarily proposed to implement will actually enhance the habitat values on these sites to a significant degree, requiring a substantial amount of time and resources to be expended on the part of the applicant. Through Special Condition Six (6), assurance is provided that this restoration program will be successful through the monitoring required. Further, the applicant has also voluntarily proposed extensive mitigation measures to offset any adverse impacts on the surrounding resource areas, including the dedication of 58.3 acres on site as a conservation easement and the dedication of an undeveloped 13.34 acre off site parcel as an open space easement. In conclusion, the proposed development in conjunction with the restoration and mitigation proposed will result in enhancing the habitat and environmental resources on the subject sites. Therefore, the Commission finds, for all of the reasons set forth above, that the proposed project, as conditioned by **Special Conditions Two (2), Three (3), Five (5), Six (6), Seven (7), Eight (8), and Twelve (12)** is consistent with the requirements of Sections 30230, 30231, and 30240 of the Coastal Act.

E. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation; increase of impervious surfaces; increase of runoff, erosion, and sedimentation; and introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as effluent from septic systems. Furthermore, the Commission also recognizes that the potential build-out of lots in Malibu, and the resultant installation of septic systems, may contribute to adverse health effects and geologic hazards in the local area.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, minimizing alteration of natural streams.

As described in more specific detail in the project descriptions at the beginning of this report, the applicant is proposing to construct two new single family residences, an addition to an existing single family residence, two new guest houses, miscellaneous accessory structures, access roads (some areas with concrete root bridges), gates, and fencing; remodel an existing guest house; realign the existing driveway; demolish two existing single family residences, guest house, tennis court, water tank, and other miscellaneous structures; restore approximately 14 acres of the subject sites to natural grade and vegetation, including an environmentally sensitive habitat area and blueline stream; offer to dedicate a conservation easement of 58.3 acres located on two of the subject sites, a twenty foot wide trail easement on one of the subject sites, and a 13.34 acre parcel west of the subject sites, which has contiguous access by easement to one of the subject sites, as an open space easement.

Although the applicant is proposing a substantial amount of restoration, remediation, and demolition/removal of structures on the subject sites, including development that occurred without the benefit of a CDP, portions of the subject sites will be converted from their natural state, resulting in an increase in the amount of impervious surface in those particular areas and a reduction in naturally vegetated portions that were not previously occupied by a structure. Further, use of the sites for residential purposes introduces potential sources of pollutants such as petroleum, household cleaners, and pesticides, as well as accumulated pollutants from rooftops and other impervious surfaces and effluent from septic systems.

In addition, in their report dated July 24, 2000, GeoConcepts, Inc., state:

Surface water at the site consists of direct precipitation onto the property and runoff from the surrounding slopes. Much of this water drains as sheet flow down descending slopes to low-lying areas, area drains, natural creek, offsite and/or to the street. . . .

Storm runoff is anticipated in the creek that extends through the property.

This GeoConcepts, Inc., report goes on to state:

Maintenance of hillside residences must be performed to avoid serious damage and/or instability to improvements. Most hillside problems are associated with or triggered by water. Therefore, a comprehensive drainage system should be designed and incorporated into the final plans. In addition, pad areas should be maintained and planted in a way that will allow this drainage system to function as intended.

The proposed development will result in an increase in permitted impervious surface, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to

coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, stormwater runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter, or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Five (5)**, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

Furthermore, interim erosion control measure implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Condition Two (2)** is necessary to ensure the proposed development will not adversely impact water quality or coastal resources during construction.

Finally, the applicant proposes to construct five new private sewage disposal systems, including a 6000, 2,250, 1,500, and 750 gallon septic tank and disposal system to service the two new single family residences, remodeled single family residence, and new guest house, and associated structures. In addition, favorable percolation tests

have been performed on the subject site by GeoConcepts, Inc., between May 22 and May 23, 2000, as referenced in their report dated May 24, 2000.

Furthermore, the Department of Health Services of the County of Los Angeles has also given in concept approval for the proposed private sewage disposal systems. This conceptual approval by the County indicates that the sewage disposal systems for the proposed development in these applications complies with all minimum requirements of the Uniform Plumbing Code.

The Commission has found in past permit actions that conformance with the provisions of the plumbing, health, and safety codes is protective of resources and serves to minimize any potential for wastewater discharge that could adversely impact coastal waters. Therefore, the Commission finds that the proposed project, as conditioned to incorporate and maintain a drainage and polluted runoff control plan, is consistent with Section 30231 of the Coastal Act.

F. Violations

As stated previously, a substantial amount of development has occurred on the subject sites without the benefit of a CDP or an amendment to CDP 5-87-590, which had a future development deed restriction as a special condition. It appears that all of the development that has occurred without a permit was performed while the property was still under the ownership of the prior applicant (Vinton), rather than the current applicant, Trey Trust, which recently purchased the property from the prior applicant (Vinton).

The development on the subject sites that has occurred without the benefit of a CDP includes the construction of miscellaneous structures, substantial amounts of grading, removal of native vegetation, and alteration of the blue line creek. Through the current CDP application, however, the current owner is proposing to restore areas where unpermitted grading, removal of vegetation, and streambed alteration have occurred and to remove development that was constructed without a CDP.

The unpermitted development performed on the site includes a tennis court and pavilion; access roads; 24,000 cubic yards of grading (10,500 cubic yards of cut and 13,500 cubic yards of fill grading); elimination and rerouting of a meandering portion of the upper section of the creek; removal and relocation of approximately 20 mature Coast Live Oak trees from the Riparian and Oak Woodland ESHA area to the single family residence and pond area at 1409 Cold Canyon Road; altering of creek banks to provide grassy lawns along the access road east of the creek; horse barn with attached metal horse corrals; miscellaneous storage sheds; chicken coop; gas tank and utilities; 40,000 square foot horse corral and exercise ring surrounded by plastic rail fencing; planting of non-native ornamental vegetation; placement of ornamental features, such as railroad ties; vineyard; extensive clearance of native riparian vegetation; grading within the protected zones of oak trees; installation of irrigation systems within the

driplines of oak trees; and gate at the entrance to the public hiking and equestrian trail easement. As stated previously, much of this unpermitted development is located within the Riparian and Oak Woodland ESHA running along the blueline creek on the site.

Although the applicant is proposing to remediate the violations listed above to nearly the maximum extent feasible, the applicant is still proposing to maintain a gate that was erected without a CDP at the entrance to the public hiking and equestrian trail at Cold Canyon Road, which continues south through the parcel known as 1401 Cold Canyon Road (CDP Application 4-00-192). As discussed previously in Section C, the Commission finds that this structure would not comply with the Coastal Act.

As a result, to ensure that the violation aspect of this application is resolved in a timely manner, **Special Condition Twelve (12)** requires the applicant to submit revised plans illustrating that this gate has been removed from the proposed development. Further, **Special Condition Thirteen (13)** requires the applicant to remove the gate located at the entrance to the public hiking and equestrian trail easement within 45 days following the issuance of these CDPs. In addition, **Special Condition Fourteen (14)** requires the applicant to satisfy all conditions of these permits, which are prerequisites to the issuance of these permits, within 120 days of Commission action.

Although construction has taken place prior to submission of these permit applications, consideration of the applications by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of these permits does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a CDP.

G. Local Coastal Program

Section 30604 of the Coastal Act states:

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse impacts and is found to

be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County of Los Angeles' ability to prepare a Local Coastal Program for this area which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission finds that the proposed project, as conditioned, will not have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

APPENDIX A

LOCAL APPROVALS RECEIVED

County of Los Angeles, Department of Regional Planning, Environmental Review Board, Approval with Conditions, 1401, 1405, and 1409 Cold Canyon Road, dated August 24, 2000.

County of Los Angeles, Department of Public Works, Soils Engineering Review, Approval in Concept, 1401, 1405, and 1409 Cold Canyon Road, dated September 9, 2000.

County of Los Angeles, Department of Public Works, Geologic Review, Approval in Concept, 1401, 1405, and 1409 Cold Canyon Road, dated August 24, 2000.

County of Los Angeles, Fire Department, Fire Prevention Bureau, Preliminary Fuel Modification Plan Approval, 1401, 1405, and 1409 Cold Canyon Road, dated November 22, 2000.

County of Los Angeles, Fire Department, Approvals in Concept, 1401, 1405, and 1409 Cold Canyon Road, dated September 14, 2000.

County of Los Angeles, Department of Regional Planning, Approvals of Oak Tree Permits, 1401, 1405, and 1409 Cold Canyon Road, dated October 24, 2000.

County of Los Angeles, Department of Health Services, Approval in Concept, 1401 Cold Canyon Road, dated July 6, 2000.

County of Los Angeles, Department of Health Services, Approvals in Concept, 1405 and 1409 Cold Canyon Road, July 12, 2000

APPENDIX B

SUBSTANTIVE FILE DOCUMENTS

"4-00-191 (1405 Cold Cyn. Rd., Calabasas: Resprouting Oak Stump #52," Geo Safety, Inc., dated January 25, 2001.

"Proposed Plantings of Restoration and Landscape Coast Live Oaks," Geo Safety, Inc., dated January 25, 2001.

Proposed Plantings of Restoration and Landscape Coast Live Oaks," (regarding dead oak trees on site), Geo Safety, Inc., dated January 25, 2001.

"CDP Applications Nos. 4-00-190, 191, 192 (1409, 1405, 1401 Cold Cyn. Roads.)," Geo Safety, Inc., dated January 2, 2001.

"Trey Trust Ranch: Responses to Coastal Staff Review . . . 1409 Cold Canyon Road," Geo Safety, Inc., dated December 21, 2000.

"Supplemental Report No. 1, 1401, 1405 and 1409 Cold Canyon Road," GeoConcepts, Inc., dated December 19, 2000.

"Streambed Alteration Permit for 1401, 1405, and 1409 Cold Canyon Road," Geo Safety, Inc., dated December 12, 2000.

"1401-1409 Cold Cyn. Rd., Calabasas; Revised Restoration Summary," Geo Safety, Inc., dated December 4, 2000.

"Private Sewage Disposal System, 1401, 1405 and 1409 Cold Canyon Road," GeoConcepts, Inc., dated November 15, 2000.

"Addendum to Preliminary Biological Survey & Restoration Proposal, 1401 Cold Canyon Road," Geo Safety, Inc., dated November 7, 2000.

"Addendum to Preliminary Biological Survey & Restoration Proposal, 1405 Cold Canyon Road," Geo Safety, Inc., dated November 7, 2000.

"Addendum to Preliminary Biological Survey & Restoration Proposal, 1409 Cold Canyon Road," Geo Safety, Inc., dated November 7, 2000.

"Oak Tree Permit Case No. 00-173-(3), 1401 Cold Canyon Road," County of Los Angeles, Department of Regional Planning, dated October 24, 2000.

"Oak Tree Permit 00-173, Trey Trust – 1401 Cold Canyon Road," Los Angeles County, Fire Department, Forestry Division, dated October 6, 2000.

"Oak Tree Permit Case No. 00-174-(3), 1405 Cold Canyon Road," County of Los Angeles, Department of Regional Planning, dated October 24, 2000.

"Oak Tree Permit 00-174, Trey Trust – 1405 Cold Canyon Road," Los Angeles County, Fire Department, Forestry Division, dated October 6, 2000.

"Oak Tree Permit Case No. 00-175-(3), 1409 Cold Canyon Road," County of Los Angeles, Department of Regional Planning, dated October 24, 2000.

"Oak Tree Permit 00-175, Trey Trust – 1409 Cold Canyon Road," Los Angeles County, Fire Department, Forestry Division, dated October 6, 2000.

"Plot Plans 46708, 46707, and 37408," County of Los Angeles, Department of Regional Planning, dated August 24, 2000.

"Oak Tree Report & Request for Oak Tree Permit for 1401 Cold Canyon Road," Geo Safety, Inc., dated August 15, 2000.

"Oak Tree Report & Request for Oak Tree Permit for 1405 Cold Canyon Road," Geo Safety, Inc., dated August 15, 2000.

"Oak Tree Report & Request for Oak Tree Permit for 1409 Cold Canyon Road," Geo Safety, Inc., dated August 15, 2000.

"Limited Geologic and Soils Engineering Investigation, Proposed Single Family Residences, Gymnasium and Accessory Buildings, 1401, 1405 and 1409 Cold Canyon Road," GeoConcepts, Inc., dated July 24, 2000.

"Private Sewage Disposal System, 1401, 1405 and 1409 Cold Canyon Road," GeoConcepts, Inc., dated May 24, 2000.

"Minutes of the Environmental Review Board, Meeting of May 15, 2000," County of Los Angeles, Department of Regional Planning, dated May 15, 2000.

"Preliminary Biological Survey & Restoration Proposal for 1401, 1405, 1409 Cold Canyon Road," Geo Safety, Inc., dated April 19, 2000.

"Keyed Site Photographs," Studio Arquitectura, Inc., April 10, 2000.

Certified Malibu/Santa Monica Mountains Land Use Plan. County of Los Angeles, dated 12/11/86.

STUDIES AND PUBLICATIONS

"Oak Trees: Care and Maintenance," County of Los Angeles, Fire Department, Forestry Division.

"The Oak Tree Ordinance," County of Los Angeles, Fire Department, Forestry Division.

"Oak Revegetation Strategy for Los Angeles County, Volume 1 - General Summary," Department of Landscape Architecture, California State Polytechnic University, Pomona.

"Care of Native Oaks," California Oak Foundation; "Development Around Coast Live Oaks," *Living Among the Oaks*, V.L. Holland, Ph.D.

"Tree Roots - Major Considerations for the Developer," Bruce W. Hagan, California Department of Forestry and Fire Protection.

"An Evaluation of the Effectiveness of Creating Woodland Habitat by Transplanting Oak Trees," Thomas A. Scott and Nanette L. Pratini, Integrated Hardwood Range Management Program, UC Riverside.

The Santa Monica Mountains Area Recreational Trails Coordination Project, Final Report.

LETTERS and FACSIMILES

Letter from the Santa Monica Mountains Trails Council to Coastal Commission Staff, dated January 25, 2001.

Facsimile from Martin E. Steere of Mannatt, Phelps & Phillips, LLP to California Coastal Commission Staff, dated January 24, 2001.

Facsimile from Martin E. Steere of Mannatt, Phelps & Phillips, LLP to California Coastal Commission Staff, dated January 8, 2001.

Letter from Dr. Klaus Radke of Geo Safety, Inc., to California Coastal Commission Staff, dated January 3, 2001.

Letter from Marny Randall to California Coastal Commission Staff, dated December 26, 2000.

Letter from David M. Brown to California Coastal Commission Staff, "Application 5-87-590 (Vinton)," dated September 5, 1987.

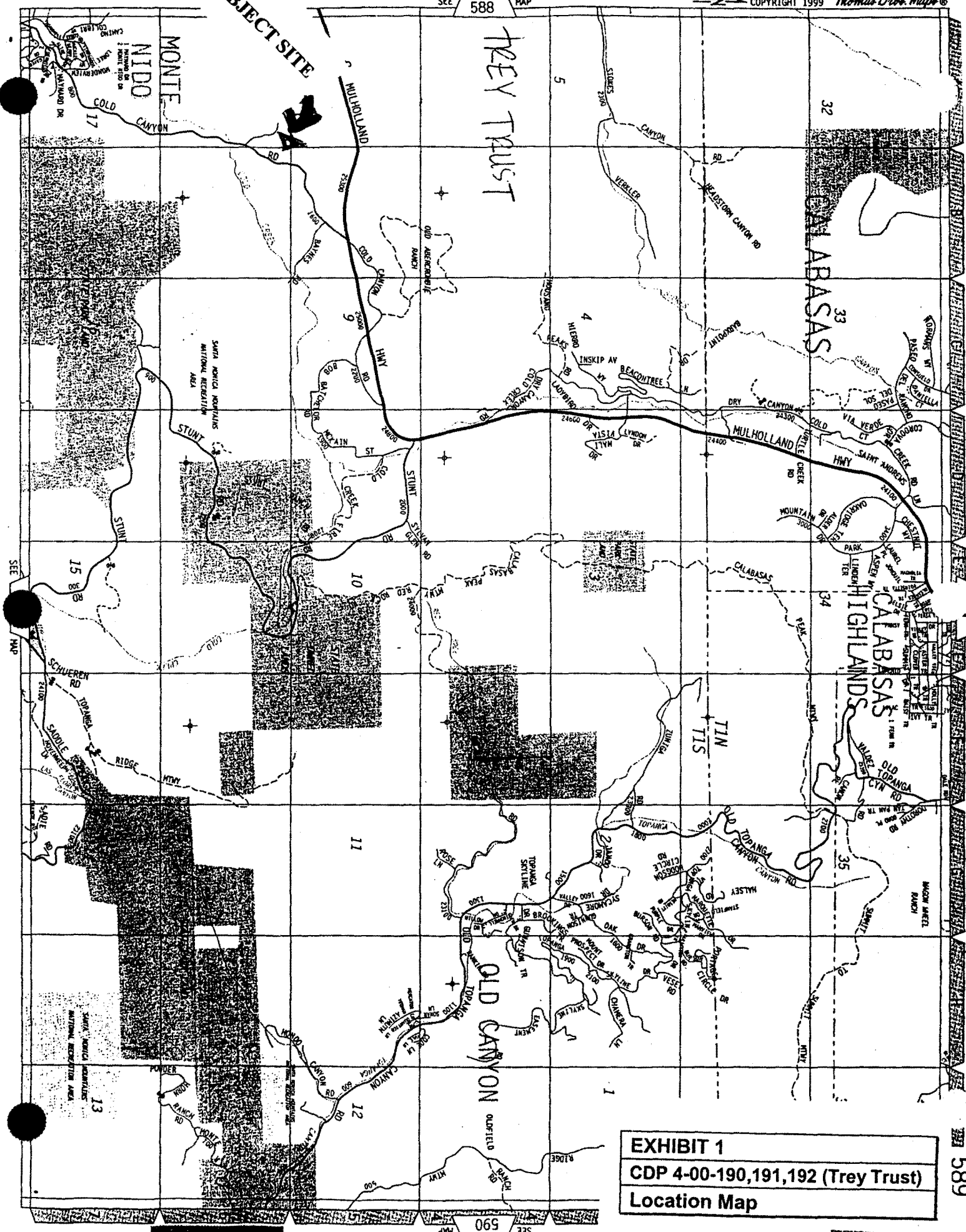
Letter from the Santa Monica Trails Council to California Coastal Commission Staff, "5-87-590 (Vinton)", received on August 17, 1987.

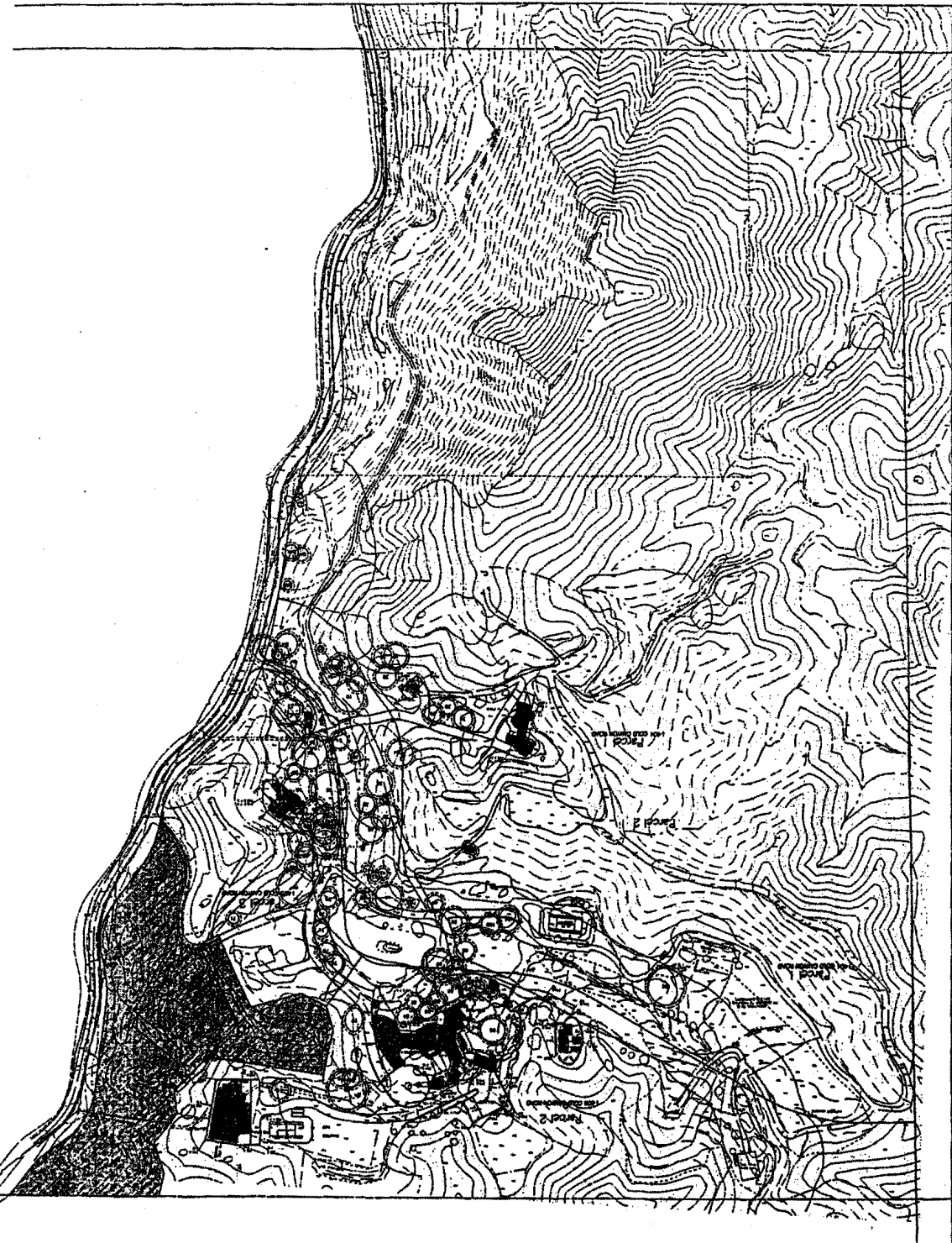
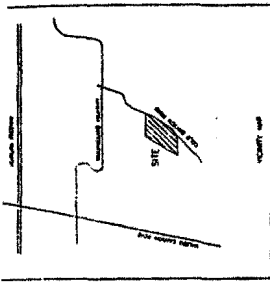
COASTAL DEVELOPMENT PERMITS

Coastal Development Permits 5-86-472 (Zilberg), 5-87-590 (Vinton), 5-87-590-A (Vinton), 5-87-590-A2 (Vinton), 5-90-534 (Quiros), A-3-SCO-95-001 (Santa Cruz County Service Area #2), 4-97-123 (Soka University), 4-98-212 (Enkeboll), 4-98-212-A3 (Enkeboll), A-4-VNT-98-225 (Breakers Way Property Owners Association), and 4-00-004 (Daly).

COASTAL DEVELOPMENT PERMIT APPLICATION

Coastal Development Permit Application 4-99-213 (La Chusa Highlands Homeowners Association)





OVERALL SITE
PARCELS 1, 2 AND 3

COUNTY OF LOS ANGELES
CONCEPTUAL GRADING PL
1401.1409.1405 COLD CANYON
SHEET 1

REVISIONS	DATE	BY	CHKD

DESIGNED FOR
COUNTY OF LOS ANGELES
SANTA MONICA MOUNTAINS
CITY OF LOS ANGELES
1401.1409.1405 COLD CANYON

THIS PLAN IS A CONCEPTUAL GRADING PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE ENGINEER TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL DATA. THE ENGINEER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED WITHOUT HIS WRITTEN CONSENT.

EXHIBIT 2
CDP 4-00-190,191,192 (Trey Trust)
Overall Site Plan (All Parcels)

1	MANHOLE - LOT 1 TO REPLACE EXISTING MANHOLE
2	QUEST HOUSE - LOT 1 TO REPLACE EXISTING GUEST HOUSE
3	MANHOLE - LOT 1
4	MANHOLE - LOT 2 TO REPLACE EXISTING MANHOLE
5	GAUSE STRUCTURE - LOT 2
6	TRAILER - LOT 2 TO REPLACE EXISTING GREENHOUSE
7	EXPENSE STORAGE - MANHOLE LOT 2
8	EXISTING POND TO REMAIN
9	MANHOLE - LOT 3 TO REPLACE EXISTING MANHOLE
10	SECURITY BARRICADE - LOT 1
11	EXISTING STRUCTURE TO REMAIN
12	EXISTING POND TO REMAIN
13	NEW WATER FEATURE SCHEDULED FROM POND WATER
14	NEW SWIMMING POOL AND SPACIOL

90 CLOSING TIME
NO RETURN

86 CLOSING ON THIS
MAY BE LISTED BY PREVIOUS
OWNER TO CURRENT LOCATION

P. CLOSING TIME
PLEASE VISIT 1-800-455-5555

1 PHOTOGRAPHY NUMBER
PETER TO COLOR AND PHOTO BOOK

RESIDENCE FOR
TREY TRUST
CALABASAS, CALIFORNIA

STUDIO APOCALYPTICA

Stephen Marmorek
Steve Marmorek

101 W. Main Street
Savon Fg, Md 47501
Tel. 906-942-5334
Fax 906-942-5901

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4. STATE _____

5. ZIP _____

6. PHONE _____

7. DATE _____

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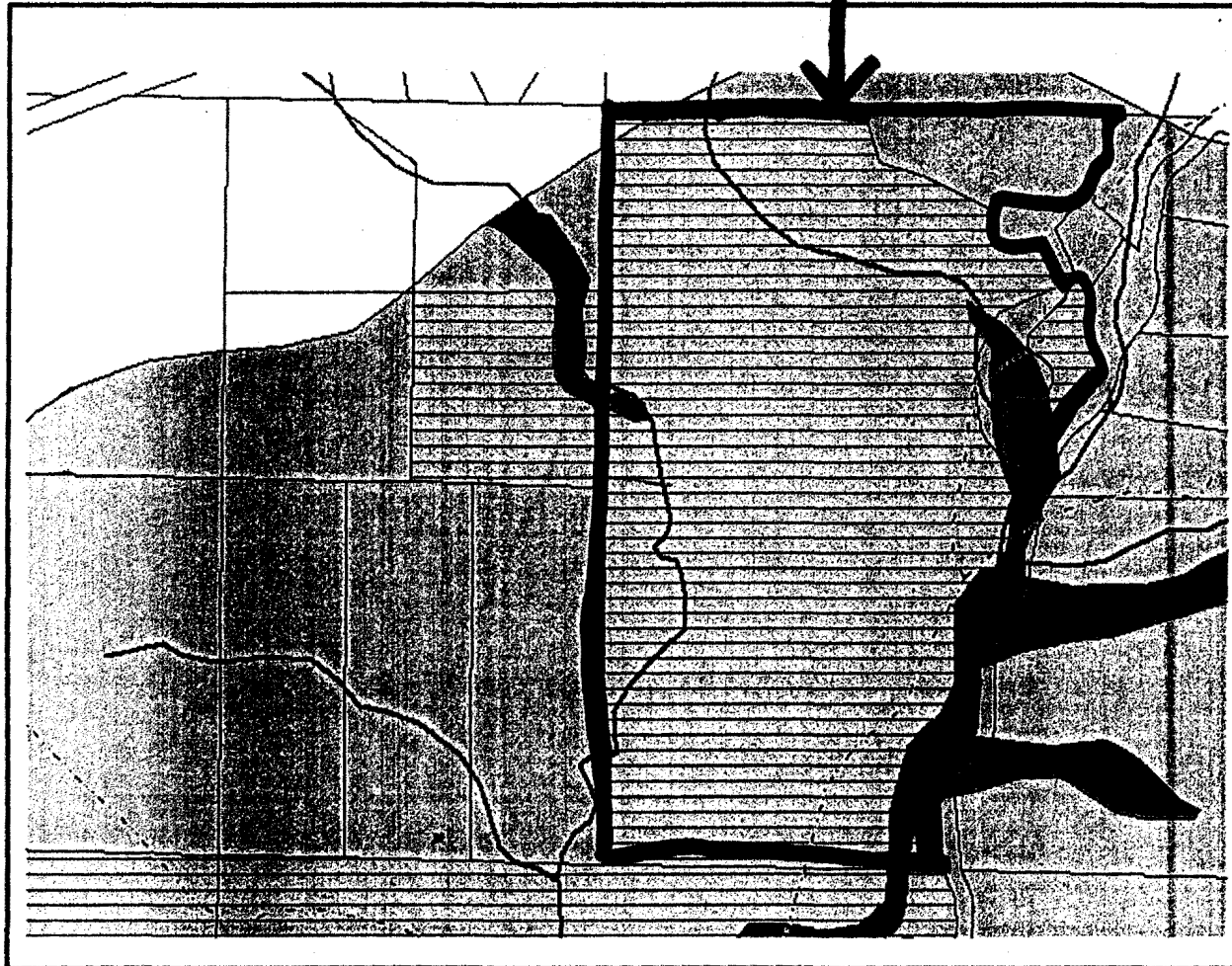
PHOTO KEY/29 STEVE ALLEN

A-1.2



CDP 4-00-190,191,192 (Trey Trust)
Photo Keyed Site Plan (All Parcels)

SUBJECT SITE















-  vntprcls
-  trailslacoplan
-  trailotds
-  StrmsCCC
-  shore
-  laprcls
- esha (ESHA)
 -  Coldcreek management area inland
 -  locally disturbed resources
 -  oak woodlands and savannahs
 -  significant watersheds residential
 -  wildlife migration corridor
 -  calhiways

EXHIBIT 6

CDP 4-00-190,191,192 (Trey Trust)

Resource Map

1400 COLD CANYON ROAD
CALABAS, CALIFORNIA 91302

THE TREY TRUST
c/o GELFAND, MENNETT & FELDMAN, L.L.C.
1800 CENTURY PARK EAST
SUITE 1800
LOS ANGELES, CALIFORNIA 90067
310-653-1707

44-38861
MARNY RANDALL
608 EUCLID STREET #6
SANTA MONICA, CALIFORNIA 90403
310-305-2782

ARCHITECT and LANDSCAPE DESIGN
STUDIO ARQUITECTURA, P.C.
P.O. BOX 9479
SANTA FE, NEW MEXICO 87504
505-942-5328

PEAK SURVEYS, INC.
2408 TOWNGATE ROAD, SUITE D
WESTLAKE VILLAGE, CALIFORNIA 91361
805-487-0102

TOPANGA UNDERGROUND
P.O. BOX 106
TOPANGA, CALIFORNIA 90260
818-463-2489

BIOLOGICAL SERVICE
GEO SAFETY, INC.
1482 LACHMAN LANE
PACIFIC PALISADES, CALIFORNIA 96027
310-455-1832

RESIDENTIAL DEVELOPMENT PLANS FOR THE

TREY TRUST

1409 COLD CANYON ROAD
CALABASAS, CALIFORNIA

**SUBMITTED TO CALIFORNIA COASTAL COMMISSION
FOR APPROVAL IN CONCEPT - SEPTEMBER 15, 2000
REVISED PER COASTAL PROGRAM ANALYST'S REQUEST - SEPTEMBER 28, 2000**

FINAL REVISED PLANS - DECEMBER 28, 2000

DRAWING INDEX

C-1.0 PROPOSED OPEN SPACE CONSERVATION MAP
C-1.1 EXISTING SURVEY
C-1.2 CONCEPTUAL GRADING PLAN - OVERALL SITE
C-2.2 CONCEPTUAL GRADING PLAN - LOT 2
C-3.4 CONCEPTUAL GRADING PLAN - DRAINAGE COURSE

- A-1.1 EXISTING SITE PLAN
- A-1.2 PHOTO SURVEY
- A-2.1 PROPOSED DEVELOPMENT PLAN
- A-2.2 ENLARGED SITE PLAN - LOT 2
- A-2.3 ENLARGED SITE PLAN - LOT 2
- A-3.1 GROUND FLOOR PLAN - LOT 2 - Primary Residence
- A-3.2 SECOND FLOOR PLAN - LOT 2 - Primary Residence
- A-3.3 FLOOR PLAN - LOT 2 - Exercise/Storage and Pavilion
- A-4.1 BASEMENT FLOOR PLAN - LOT 2 - Primary Residence
- A-4.2 BASEMENT FLOOR PLAN - LOT 2 - Exercise/Storage
- A-4.3 ELEVATIONS - LOT 2 - Primary Residence
- A-4.4 ELEVATIONS - LOT 2 - Exercise/Storage and Pavilion
- A-4.5 FENCING DETAILS - LOT 2

LANDSCAPING

L-1 CONCEPTUAL RESTORATION PLAN (GEO sheet 1 of 3)

L-2 SITE FOOTPRINT PLAN (GEO sheet 2 of 3)

L-3 ROAD ACCESS and REALIGNMENT PLAN (GEO sheet 3 of 3)

L-4 CONCEPTUAL LANDSCAPING PLAN

L-5 TREE and LAWN PLAN

COMMUNIST PARTY OFFICE
New September Document: Packard

LOT (PARCEL) #2

Zoon AS-4
 AFM 645-288-011
 Address 7429 Old Campus Road
 Culberson, California 95523

Legal Quantity	See Exhibit A
Lot Size	14.63 acres (204,790 sq. ft.)

Building Buildings	14,200 sq ft - total floor space
on Perennial and	4,000 sq ft - building located north house ground house...
secondary to perennial	1,100 sq ft - building north house ground floor
	1,000 sq ft - building-ground ground
	800 sq ft - building-ground
	700 sq ft - building-ground
	2,000 sq ft - building ground floor
	3,000 sq ft - house ground house floor

* *in situ* and *ex situ* conservation of biodiversity

New Holdings

44,347 sq. ft. - New floor area (including basement)
20,820 sq. ft. - New ground floor layout

3,200 sq. ft. - new multi-level basement
10,000 sq. ft. - new multi-level ground floor (part, 2,200 sq. ft. elevated garage)
1,100 sq. ft. - new multi-level ground floor
3,200 sq. ft. - new garage

1,200 sq. ft. - new double-height basement-changing room
700 sq. ft. - new bar area
4,000 sq. ft. - new double-height lounge bar
1,700 sq. ft. - new double-height lounge bar

No Change 20,925 m.A. Increase of 0.01 from 2007

Binding requirements: 2,277 sq.ft. - total
2,200 sq.ft. - direct and support
category to provided designated 2,100 sq.ft. - public use and table of contents
category to provided designated 2,100 sq.ft. - public use and table of contents

Plant improvement areas: 26,520 sq.ft. - total
26,520 sq.ft. - 60-60
1,000 sq.ft. - other tables of scale equipment
200 sq.ft. - tables, benches and pillars of line position
1,000 sq.ft. - surrounding pool
2,520 sq.ft. - sand floor

Mail Change **\$2,000 per A. Includes up to four additional items.**

Summary of overall strategy
 Building around their building footprint and non-serviced development

Flashing tape: 20,000 sq. ft. - provided and necessary to provide

- 4,000 sq. ft. - with existing panel set
- 2,000 sq. ft. - element portion on per panel set
- 100 sq. ft. - gaskets
- 2,000 sq. ft. - panel and flash
- 5,000 sq. ft. - glass and gaskets
- 2,000 sq. ft. - base
- 200 sq. ft. - glass/mount
- 5,120 sq. ft. - system and seals

[illegible]

New tapestries only \$29.99 ea.

- 16,000 sq ft. - main house ground floor
- 1,000 sq ft. - main house outdoor walk
- 2,000 sq ft. - garage
- 700 sq ft. - two porches
- 600 sq ft. - main roof portion of two porches
- 4,000 sq ft. - greenhouse
- 7,000 sq ft. - outdoor terrace, pool and closely paved
- 1,000 sq ft. - pool and pool deck
- 1,000 sq ft. - study structure at pool
- 10,000 sq ft. - others

End Chapter **55,700 mg/L** **Excess of hydroxide ions**

9400 Lardner Road, #1-200, St. Louis, MO 63114

New Landings: 20,000 sq. ft. total
 20,000 sq. ft. - 1st floor
 10,000 sq. ft. - 2nd floor
 10,000 sq. ft. - 3rd floor

Mid-Change	25,200 sq ft, because of 1,000-sq-ft error
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Field of view	28.400 ± 0.000
Field of view	28.400 ± 0.000

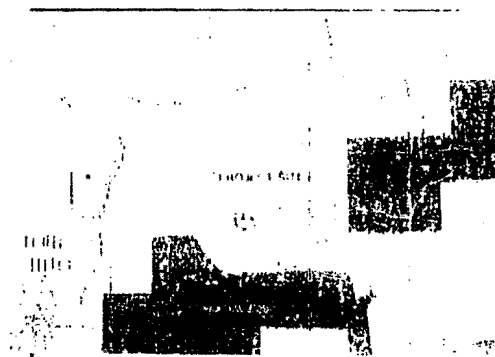
Net Losses \$4,525 exp. 1. total
\$4,525 exp. 1. - grossed out

the 1990s

Wednesday, 21 May 2014

LET VERBORGEN Blijft: 0,9%
Inclusief gemeentelijke overheid en gemeentelijke overheid

VICINITY MAP



LOT (PARCEL) #2

Date Submitted

RECEIVED

JAN 16 2001

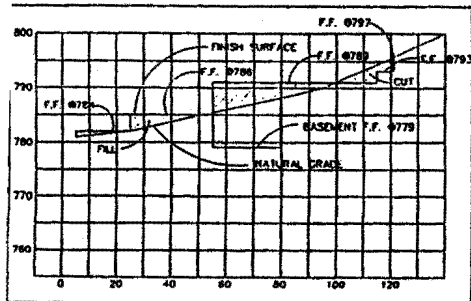
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT 7

CDP 4-00-190,191,192 (Trey Trust)
Plan Cover Sheet-CDP 4-00-190
(1409 Cold Canyon Road)

NOT TO SCALE
 1" = 20'
 1" = 10'

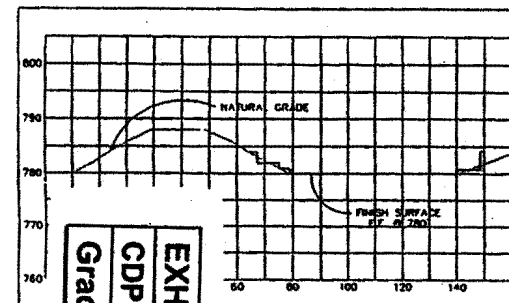
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SECTION E-E

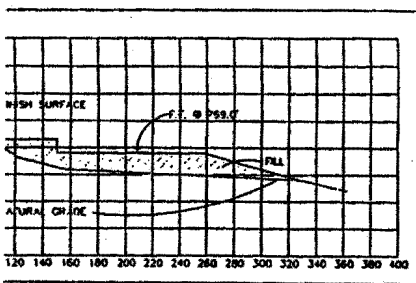
HORIZONTAL SCALE 1" = 20'
 VERTICAL SCALE 1" = 10'

(SEE SHEET C-1.2
 FOR PLAN)



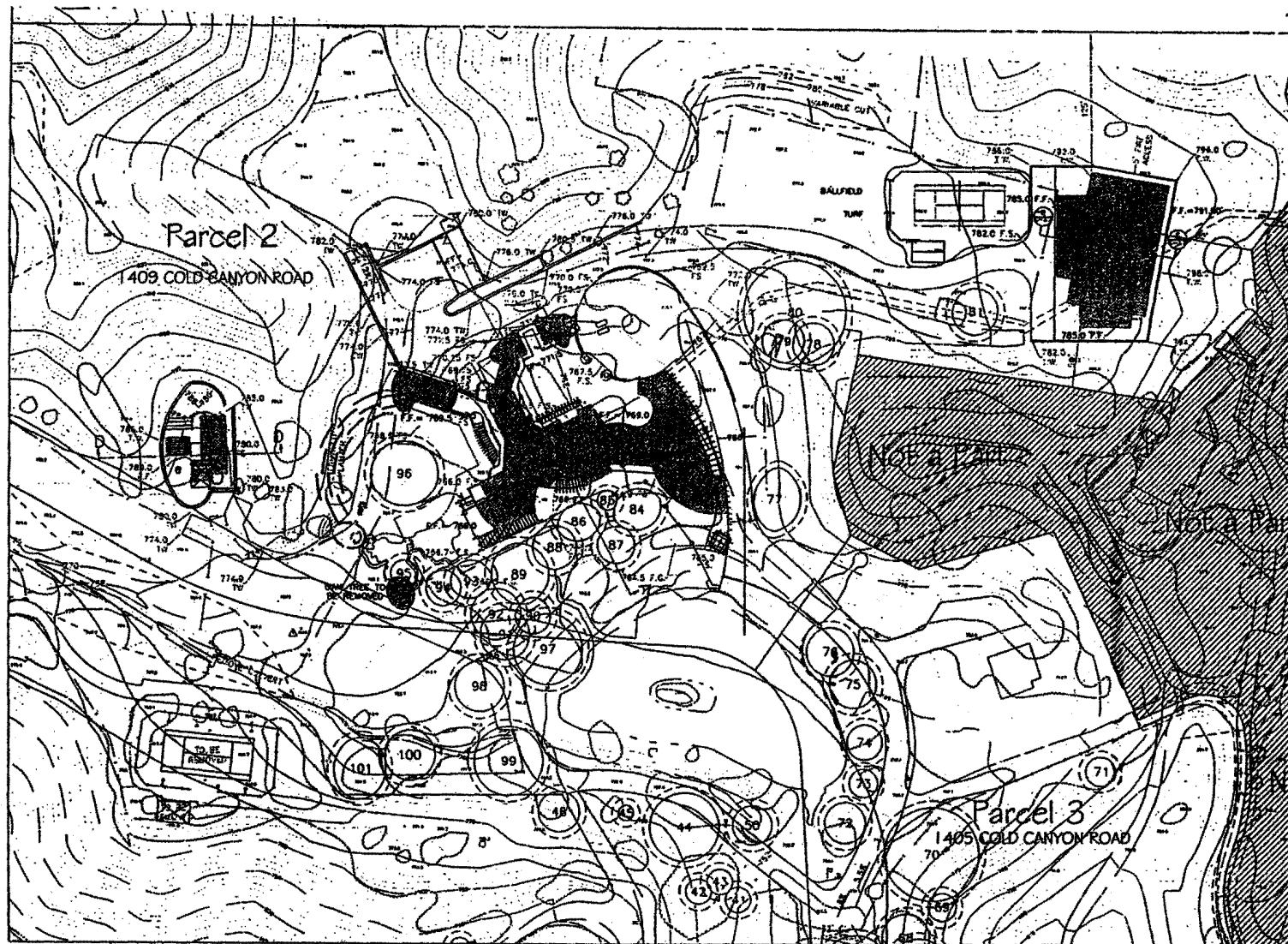
SECTION D-D

HORIZONTAL SCALE 1" = 20'
 VERTICAL SCALE 1" = 10'



HORIZONTAL SCALE 1" = 40'

VERTICAL SCALE 1" = 10'



EARTHWORK

TEA HOUSE

CUT = 70 YDS.

FILL = 70 YDS.

5' OVER-EXCAVATION AND RECOMPACTION
 = 300 YDS.

OTHER

CUT/EXCAVATION = 390 YDS. TOTAL

150 YDS. POOL EXCAVATION
 140 YDS. NEW TENNIS CT.
 100 YDS. MAIN DRIVE ROAD BED

FILL = 390 YDS. TOTAL

140 YDS. TENNIS CT. LEVELING
 50 YDS. POOL AREA TERRACES
 200 YDS. USE ON LOT #1 RESTORATION

EARTHWORK

GYM/STORAGE/GREENHOUSE

CUT = 1,085 YDS. TOTAL
 435 YDS. (Bldg. pad)
 650 YDS. (Basement)

FILL = 740 YDS.

5' OVER-EXCAVATION AND RECOMPACTION
 = 2,300 YDS.

EARTHWORK

RESTORATION GRADING

CUT 5,500 YDS.
 FILL 5,000 YDS.
 (Incl. 500 yds. cut, 500 yds. fill for removed tennis ct. restoration).

EARTHWORK

MAIN HOUSE

CUT = 2,103 YDS. TOTAL
 1,003 YDS. (Bldg. pad)
 1,100 YDS. (Basement)

FILL = 1,928 YDS.

5' OVER-EXCAVATION AND RECOMPACTION
 = 5,700 YDS.

PREPARED FOR:

THE PEAK SURVEYS, INC.
 1000 W. 10TH AVE., SUITE 100
 LOS ANGELES, CA 90015
 (213) 475-1000

#	REVISIONS	DATE
1		
2		
3		
4		
5		

PREPARED BY
PEAK SURVEYS, INC.
 1000 W. 10TH AVE., SUITE 100
 LOS ANGELES, CA 90015
 (213) 475-1000

COUNTY OF LOS ANGELES
 CO. OF LOS ANGELES
 14
 COLD CANYON ROAD
 SHEET 3

EXHIBIT 8
 CDP 4-00-190, 191, 192 (Trey Trust)
 Grading Plan-CDP 4-00-190

[illegible]

RESIDENCE FOR
TREY TRUST
CALABASAS, CALIFORNIA
STUDIO A ARQUITECTURA

Stephen Scalet
Harris Pomeroy Dodge

101 W. Mary Street
Sandy, Pa. 15087-5911
tel. 905-882-4538
fax 905-882-7211

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Abstract

Abstract

1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 26

THE UNIVERSITY OF CHICAGO

PROCESSES FOR THE

LOT 7 - CHOWDRI

Abstract

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1/10° = 1'-0"

820 ~~NOTE - ALL NEW DEVELOPMENT SHOWN ON THIS SHEET LIES WITHIN A PREVIOUSLY DISTURBED AREA~~

EXHIBIT 9
CDP 4-00-190,191,192 (Trey Trust)
Site Plan-SFR & Tea Pavilion- CDP 4-00-190

DICE and TEA FUNCTION

- RESIDENCE FOR
TREY TRUST
CALABASAS, CALIFORNIA
STUDIO ARCHITECTURAL PC

101 W. Main Street
Bucks Co., PA 17501
Tel. 505-877-4338
Fax 505-877-4331

14

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11-11-11

THE UNIVERSITY OF CHICAGO

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NOTE: ALL NEW DEVELOPMENT SHOWN ON THIS SHEET
LIES WITHIN A PREVIOUSLY DISTURBED AREA

EXHIBIT 10

CDP 4-00-190,191,192 (Trey Trust)

Site Plan-Gym-CDP 4-00-190

ENLARGED 811

LEGEND

- 1 ENTRY
- 2 LIVING ROOM
- 3 DINING ROOM
- 4 LIBRARY
- 5 KITCHEN
- 6 PANTRY
- 7 OFFICE
- 8 LAUNDRY
- 9 POTTING ROOM
- 10 FAMILY ROOM
- 11 GUEST ROOM
- 12 COATS
- 13 ATTIC
- 14 BAR
- 15 MULTI-PURPOSE ROOM
- 16 ACCOLADES LOUNGE
- 17 SCREENING ROOM
- 18 GYM
- 19 PROJECTION BOOTH
- 20 LINES
- 21 MEN'S
- 22 STORAGE
- 23 GUEST SUITE #1
- 24 GUEST SUITE #2
- 25 STUDIO
- 26 STORAGE

GROUND FLOOR - Including Bungalows and Studio
16,000 SF
GARAGES - 2300 SF

RESIDENCE FOR
TREY TRUST
CHAGAS, CALIFORNIA
STUDIO ARCHITECTURA INC.

Design: Studio Architectura
Architect: Trey Trust

1000 N. Hollywood Blvd.
Los Angeles, CA 90028
Tel: (213) 462-1000
Fax: (213) 462-1001

GROUND FLOOR PLAN
PROPERTY: TREY TRUST

1/8" = 1'-0"
A-3.1

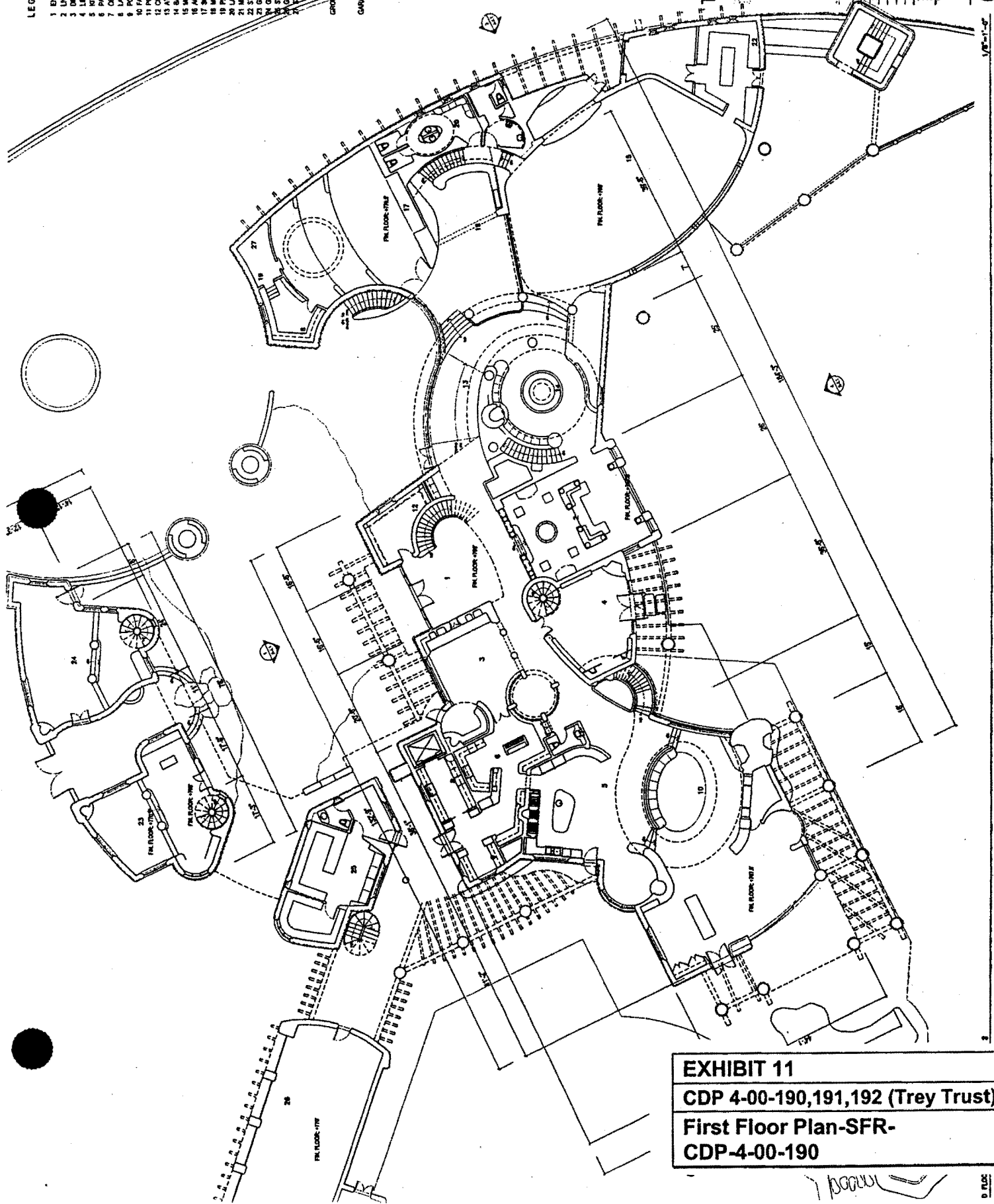


EXHIBIT 11

CDP 4-00-190,191,192 (Trey Trust)

First Floor Plan-SFR-

CDP-4-00-190

31 MASTER BEDROOM
32 MASTER BATH
33 DRESSING ROOM
34 GARDEN
35 BEDROOM #1
36 BEDROOM #2
37 BEDROOM #3
38 CRAFTS ROOM
39 SALON
40 EXERCISE ROOM
41 STEAM ROOM
42 WHIRLPOOL
43 BATHROOM
44 LOFT
45 GUEST ROOM
46 GUEST SUITE
47 TERRACE
48 OPEN TO BELOW
49 GUEST SUITE #1
50 GUEST SUITE #2

SECOND FLOOR - Including Reception and Gym
9200 SE

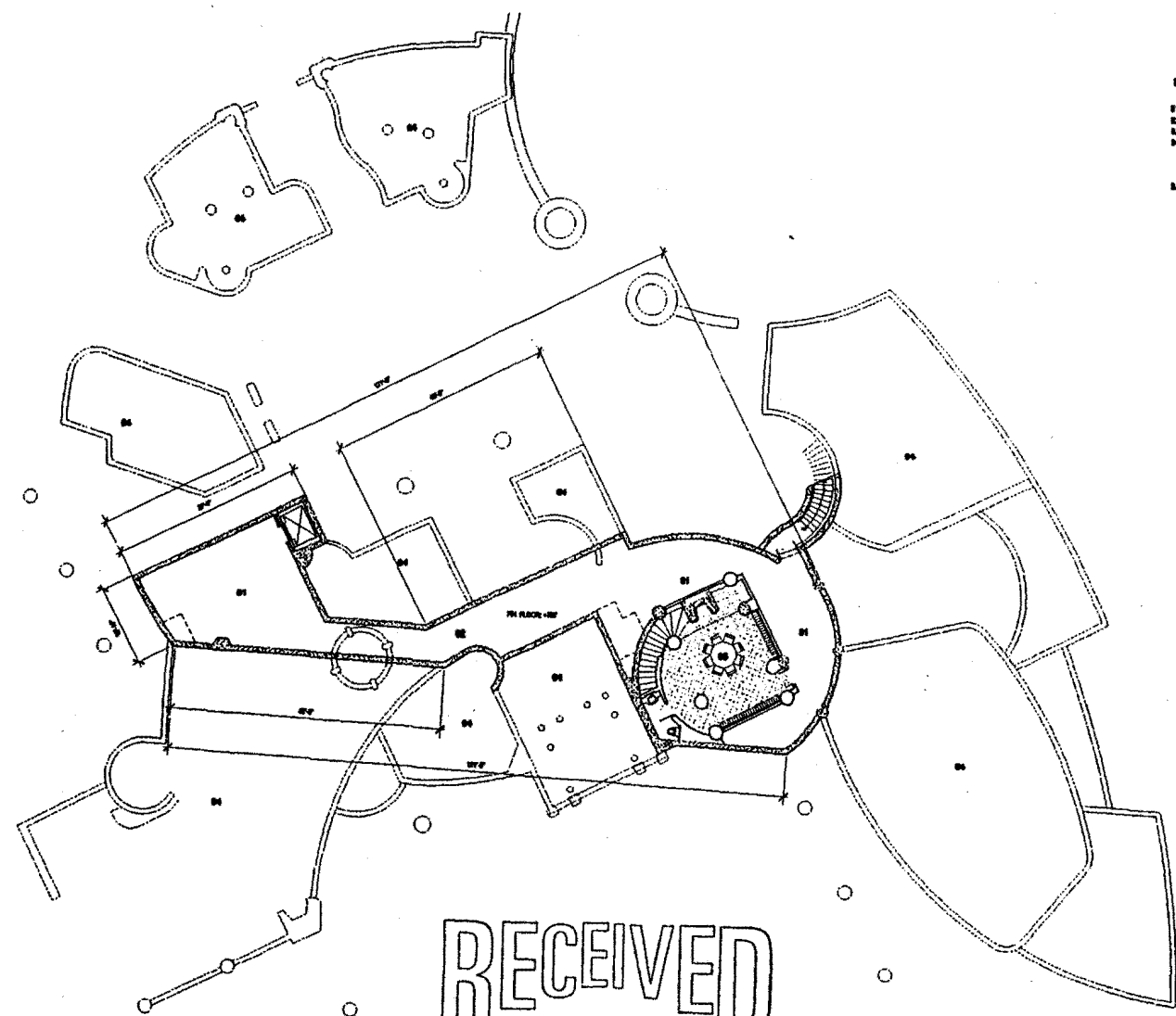
RESIDENCE FOR
TREY TRUST
CLARKSBURG, CALIFORNIA
STUDIO & ARCHITECTURE

⊕ $\frac{1000}{1000}$ A-3.2

EXHIBIT 12
CDP 4-00-190,191,192 (Trey Trust)
Second Floor Plan-SFR
CDP 4-00-190

LEGEND
 01 MECHANICAL ROOM
 02 SERVICE TUNNEL
 03 WINE ROOM
 04 UNDEVELOPED

BASEMENT - 2500 SF



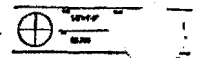
RESIDENCE FOR
TREY TRUST
 CALABASAS, CALIFORNIA
STUDIO ARCHITECTURE, INC.

Project Number
 100-1000

100-1000
 100-1000

DATE	1/16/01
BY	SA/ML
CHECKED	SA/ML
APPROVED	SA/ML
DATE	1/16/01
BY	SA/ML
CHECKED	SA/ML
APPROVED	SA/ML

BASEMENT PLAN
 PRIMARY RESIDENCE - LOT 2

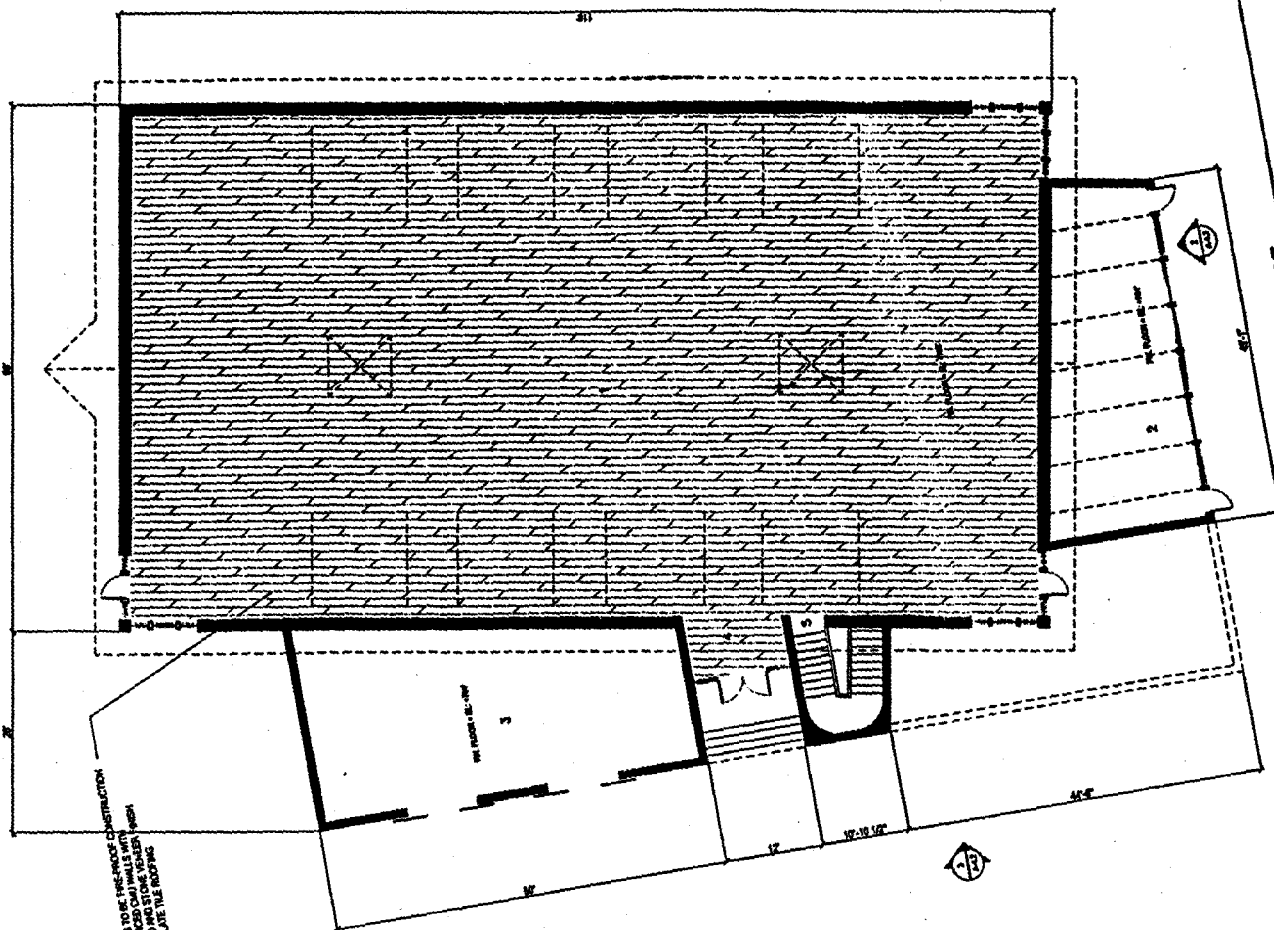


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JAN 16 2001

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

EXHIBIT 13
 CDP 4-00-190,191,192 (Trey Trust)
 Basement Plan-SFR
 CDP 4-00-190



9000 SQ. FT.
STORAGE BUILDING - LOT 2

- LEGEND
- 1 GYM
 - 2 OVERHOUSE
 - 3 STORAGE
 - 4 ENTRY DOWN TO DOWNING LANE
 - 5 STAIRS
 - 6 STAIRS
 - 7 STAIRS
 - 8 STAIRS
 - 9 STAIRS
 - 10 STAIRS

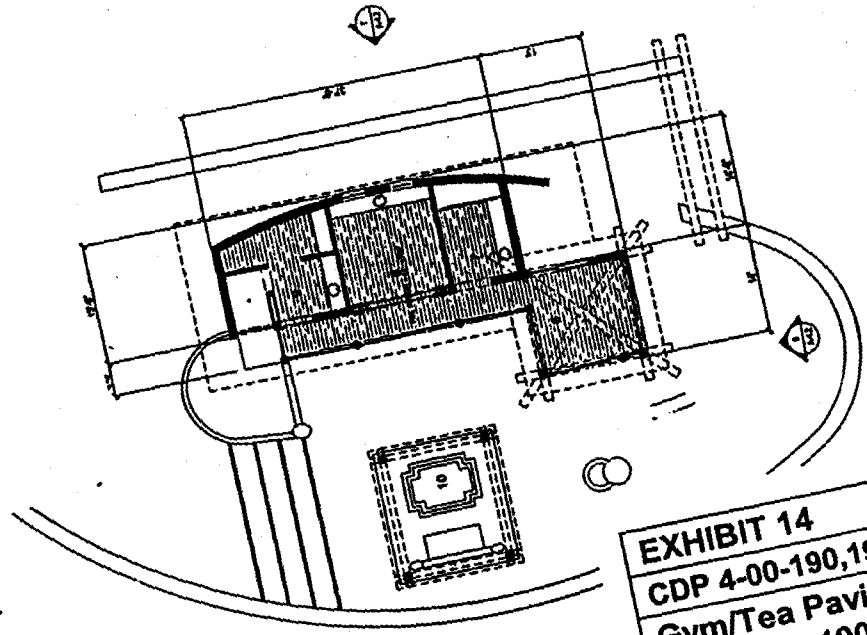
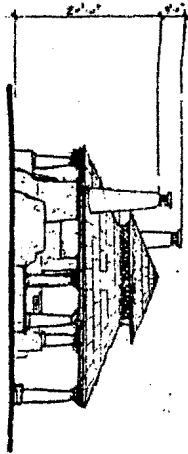


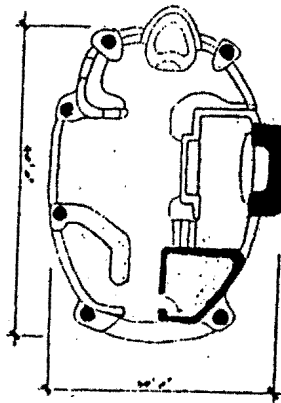
EXHIBIT 14
CDP 4-00-190,191,192 (Trey)
Gym/Tea Pavilion Floor Plan
CDP 4-00-190

4 ELEVATION - SHADE STRUCTURE - LOT 2



1/8"=1'-0"

5 PLAN - SHADE STRUCTURE - LOT 2



15

EXHIBIT 15
CDP 4-00-190,191,192 (Trey Trust
Shade Structure-Elevation and
Floor Plan

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

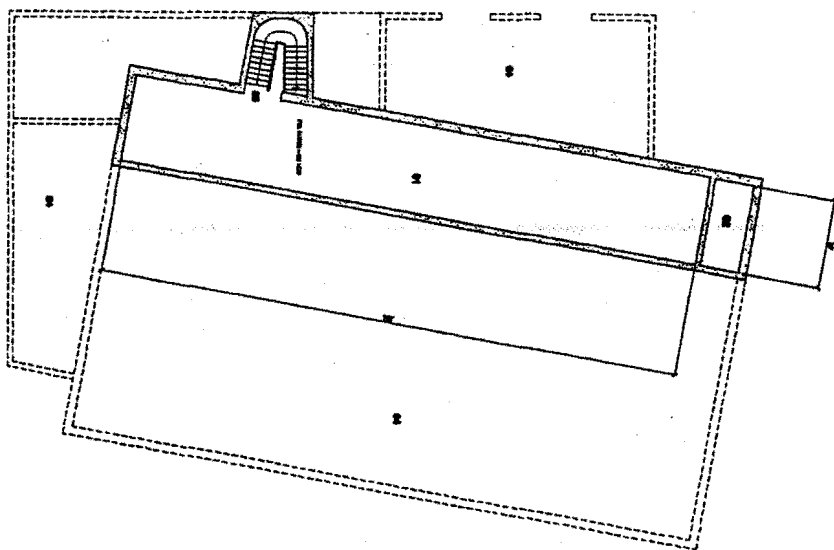


EXHIBIT 16
CDP 4-00-190,191,192 (Trey Trus
Basement Plan-Gym-
CDP 4-00-190

**RESIDENCE FOR
TREY TRUST
CLAYTON, CALIFORNIA
STROMBERG INVESTMENT**

Key Words:

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上海 1991

RESEARCH DESIGN

2000

BOOK REVIEW

A-3.5

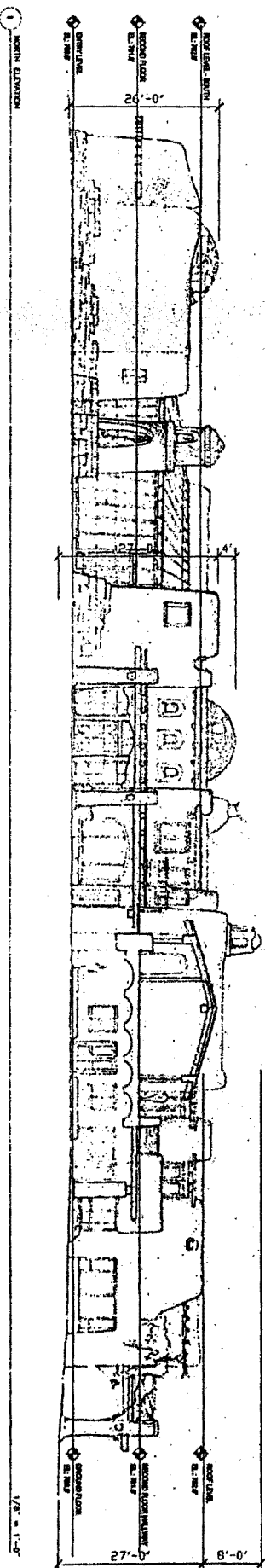
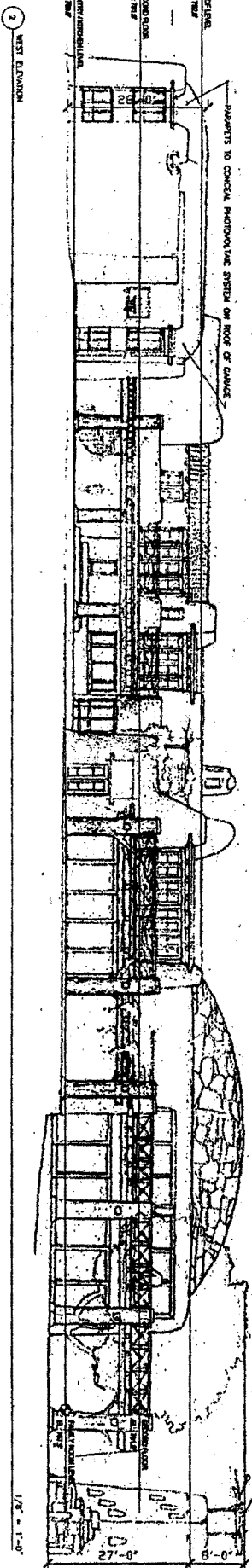
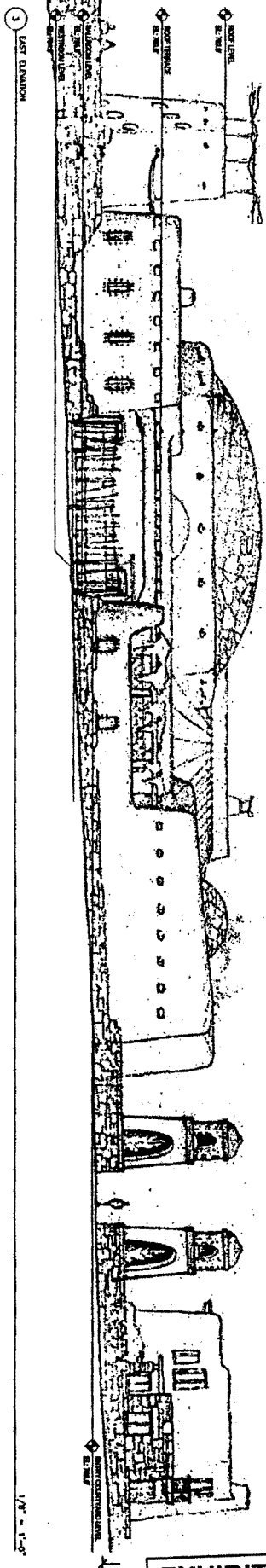
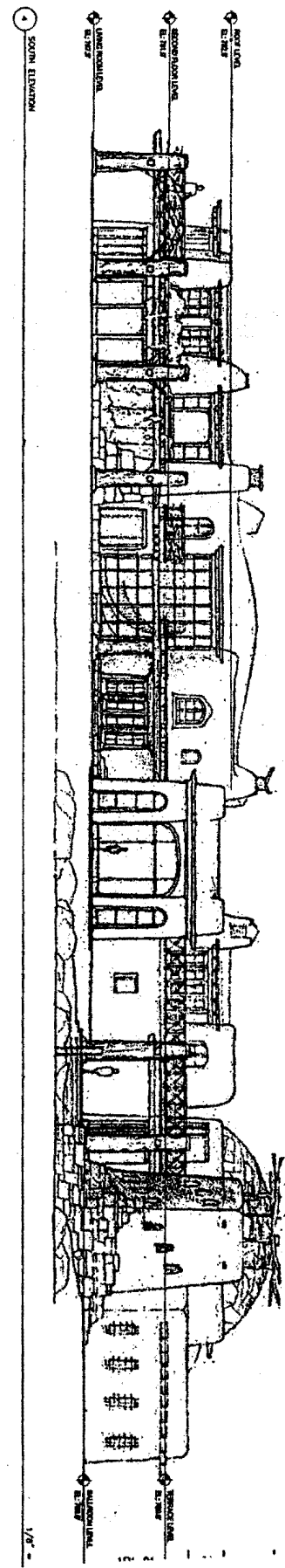
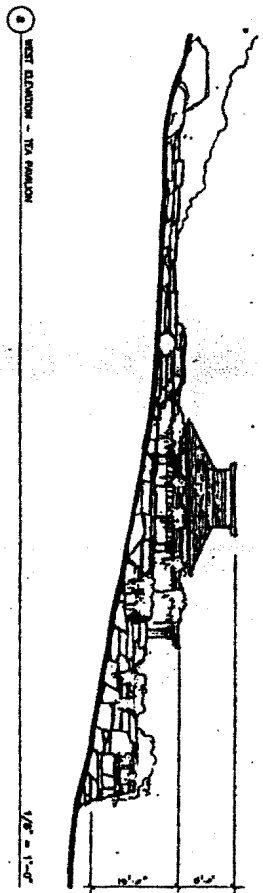


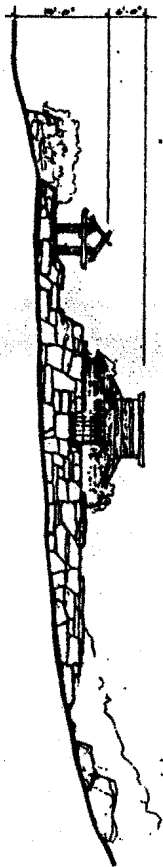
EXHIBIT 17
CDP 4-00-190,191,192 (Trey Trust)
Elevations-SFR-CDP 4-00-190

RESIDENCE FOR
TREY TRUS
 CALABAS, CALIFORNIA
STUDIO ARCHITECTS
 100 N. ALHAMBRA BLVD.
 ALHAMBRA, CALIF. 91801
 818-981-1111
 1/8\"/>



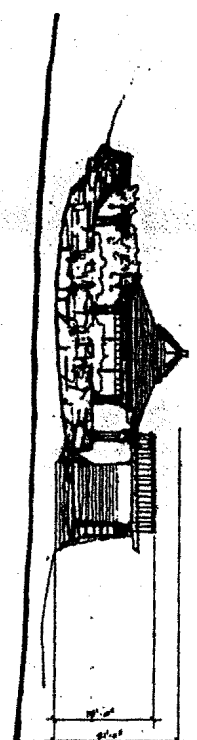
WEST ELEVATION - TEA PAVILION

1/8" = 1'-0"



EAST ELEVATION - TEA PAVILION

1/8" = 1'-0"



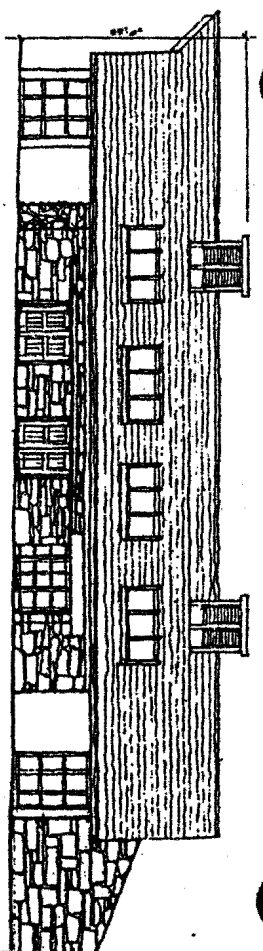
SOUTH ELEVATION - TEA PAVILION

1/8" = 1'-0"



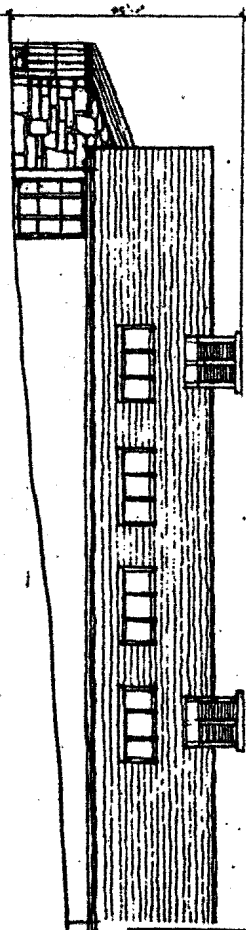
NORTH ELEVATION - TEA PAVILION

1/8" = 1'-0"



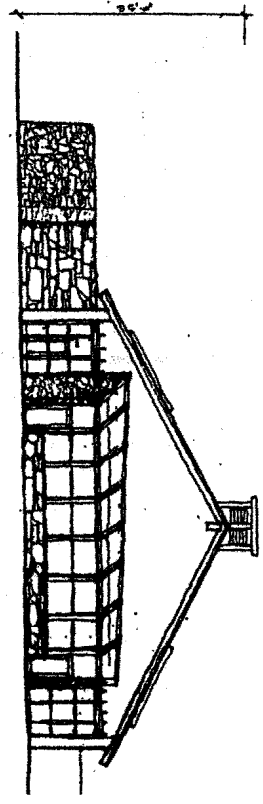
WEST ELEVATION - EXERCISE PLAZA

1/8" = 1'-0"



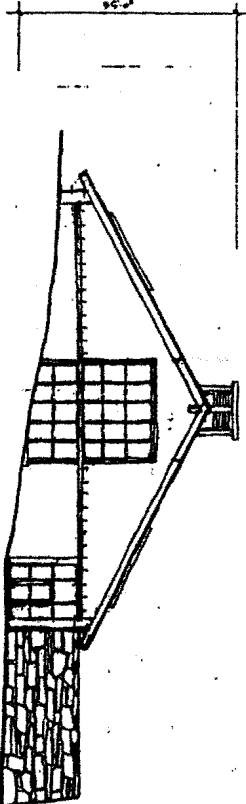
EAST ELEVATION - EXERCISE PLAZA

1/8" = 1'-0"



SOUTH ELEVATION - EXERCISE PLAZA

1/8" = 1'-0"



NORTH ELEVATION - EXERCISE PLAZA

1/8" = 1'-0"

EXHIBIT 18
CDP 4-00-190,191,192 (Trey Trust)
Elevations-Gym-Tea Pavilion-
CDP 4-00-190

RESIDENCE FOR
TREY TRUS
 CHAMBERS, CALIFORNIA

DATE: 10/1/88	BY: [Signature]
PROJECT: [Blank]	SCALE: 1/8" = 1'-0"
NORTH 	
ELEVATION EXERCISE PLAZA AND TEA PAVILION - 191 & 192	
SHEET NO. 1 OF 2 A-4	

DIRECTOR

RESIDENTIAL DEVELOPMENT PLANS FOR THE

TREY TRUST

1405 COLD CANYON ROAD
CALABASAS, CALIFORNIA

PROPERTY
1405 COLD CANYON ROAD
CALABASAS, CALIFORNIA 91302

OWNER
THE TREY TRUST
c/o GELFAND, RENNERT & FELDMAN, LLC
1880 CENTURY PARK EAST
SUITE 1600
LOS ANGELES, CALIFORNIA 90067
310-553-1707

AGENT
MARVY RANDALL
909 EUCLID STREET #6
SANTA MONICA, CALIFORNIA 90403
310-395-2368

ARCHITECT AND LANDSCAPE DESIGN
STUDIO ARQUITECTURA, INC.
P.O. BOX 9470
SANTA FE, NEW MEXICO 87504
505-982-5338

CIVIL ENGINEER
PEAK SURVEYS, INC.
2488 TOWNSGATE ROAD, SUITE D
WESTLAKE VILLAGE, CALIFORNIA 91361
805-497-0102

SEPTIC DESIGN
TOPANGA UNDERGROUND
P.O. BOX 108
TOPANGA, CALIFORNIA 90290
310-455-2189

GEOLOGICAL SURVEY
GEO SAFETY, INC.
1462 LACHMAN LANE
PACIFIC PALISADES, CALIFORNIA 90927
310-454-1832

DRAWING INDEX

CIVIL
C-1.1 EXISTING SURVEY
C-1.2 CONCEPTUAL GR
C-2.3 CONCEPTUAL GR

ARCHITECTURAL
A-1.1 EXISTING SITE PL
A-1.2 PHOTO SURVEY
A-2.1 PROPOSED DEVE
A-2.2 ENLARGED SITE P
A-3.1 FLOOR PLANS - LI
A-4.1 ELEVATIONS - LI
A-4.2 FENCING DETAILS

LANDSCAPING
L-1 CONCEPTUAL RE
L-2 SITE FOOTPRINT
L-3 ROAD ACCESS &
L-4 CONCEPTUAL LA
L-5 TREE AND LAWN

CONCEPTUAL SEPTIC SYSTEMS
See Separate Document

EXHIBIT 19

CDP 4-00-190,191,192 (Trey Trust)

Plan Cover Sheet-CDP 4-00-191
(1405 Cold Canyon Road)

SUBMITTED TO CALIFORNIA COASTAL COMMISSION
FOR APPROVAL IN CONCEPT - SEPTEMBER 15, 2000
REVISED PER COASTAL PROGRAM ANALYST'S REQUEST - SEPTEMBER 28, 2000

FINAL REVISED PLANS - DECEMBER 28, 2000

LOT (PARCEL) #3

Zone: A1-1
APN: 4456-026-013 and 014
Address: 1405 Cold Canyon Road
Calabasas, California 91302

Legal Description: See Exhibit A.1
Lot Size: 5.38 acres (234,185 sq.ft.)

Existing Buildings:
As permitted: 3,250 sq ft. - total floor area
2,500 sq ft. - existing main house, one story (to remain)
750 sq ft. - existing guest house, one story

* Main residence was built prior to Coastal Act
New Building:
addition to main house: 6,500 sq ft. - total floor area (1,200 sq ft. second floor addition at main, main house)
3,200 sq ft. - total ground floor area
2,500 sq ft. - main house (to remain)
1,200 sq ft. - addition to existing house, ground floor (new, 700 sq ft. garage)
750 sq ft. - guest house
400 sq ft. - security station

Net Change: 3,250 sq ft. increase

Existing impermeable area: 28,000 sq ft. - roofs, drives
New impermeable area: 24,000 sq ft. - roofs
22,000 sq ft. - roofs, drives
700 sq ft. - main house patio, walk
300 sq ft. - guest house patio, walk

Net Change: 2,500 sq ft. decrease

Summary of overall coverage

Including building ground floor footprints and non-permitted development

Existing impermeable area: 28,000 sq ft. total
permitted and accessory to:
2,500 sq ft. - main residence ground floor
750 sq ft. - guest house ground floor (one story)
26,500 sq ft. - roofs, drives

Non-permitted development:
to be removed:
3,500 sq ft. - trailer (to be removed)
1,000 sq ft. - screened porch at main residence
750 sq ft. - carport

New Impermeable area: 24,000 sq ft. total

Net Change: 11,470 sq ft. Decrease in Impermeable cover

Existing Landscaped area: 58,000 sq ft. (including lawns)

New Landscaped area: 44,000 sq ft. (including lawns)

Net Change: 14,000 sq ft. Decrease of landscaped area

Existing Lawn area: 37,300 sq ft.

New (or to remain) lawn area: 5,500 sq ft. total

Net Change: 31,800 sq ft. Decrease of lawn area

Undeveloped area (total): 4.8 acres (208,900 sq ft.)

LOT COVERAGE RATIO: 8.7%

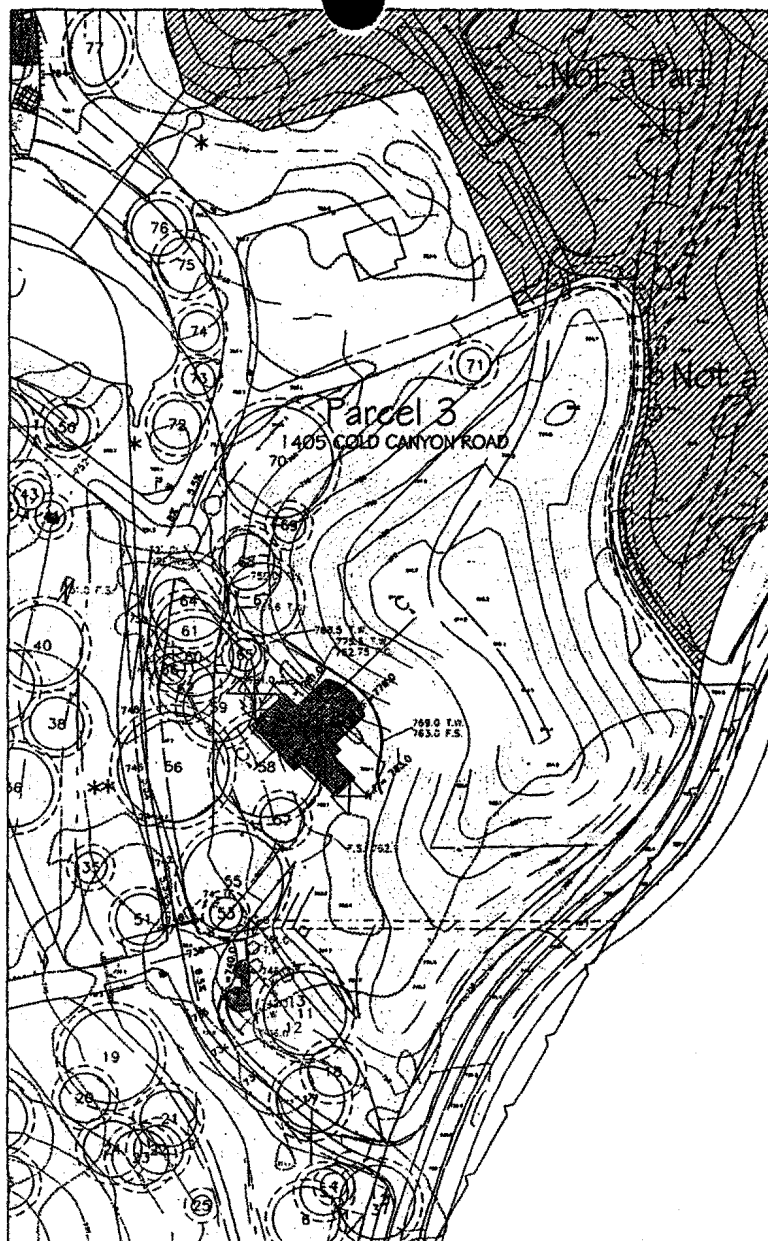
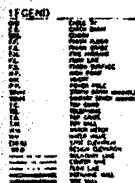
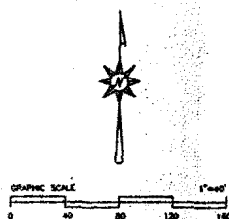
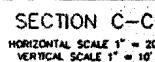
includes ground floor footprint and impermeable cover

VICINITY MAP

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JAN 04 2001
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

LOT (PARCEL) #3

12/7/00
Date Submitted



500 YDS.	Main house
100 YDS.	Security station

PARCEL

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PREPARED FOR:
 THE PRESIDENT
 1800 CENT. ST. PARK EAST #1600
 NEW YORK, N.Y. 10021

[illegible]

PREPARED BY
PEAK SURVEY, INC.
ONE BRIDGEMAN & LAND DRIVE
2100 TOWNGATE AVE. SUITE 100
VILLAGE VILLAGE CA 913
(818) 271-0002 (916) 296-1111

COUNTY OF LOS ANGELES	
CONCEPTUAL GRANT	
1405 COLD CANYON	
DRAWN BY / DATE S. J. 12/15/93	CHECKED BY / DATE S. J. 12/15/93

LEG

1. 1. SEE SHEET A-1.1.9
REPLACE EXISTING WALL AND
UPPER LEVEL, ADDED EXISTING OF ONE DRIP
CATCH.
2. EXISTING STATION - LOT 1. SEE SHEET A-1.1.9
CONSTRUCT A NEW SINGLE STORY STRUCTURE
ON EXISTING LOT.
3. EXISTING DIRT ROAD TO
BE REMOVED.
4. EXISTING DRIVEWAY LOCATION TO REMAIN
WITH MAJOR CHANGES FOR ONE PROTECTION.
5. ADD EXISTING INTERSECTION TO INCREASE
VOLUMAR ACCESS FOR ONE DEPARTMENT.
6. ADJUST EXISTING DRIVEWAY FOR REQUIRED
FIRE DEPARTMENT ACCESS AND TURN-AROUND.
7. FIRE DEPARTMENT ACCESS IN IN
ADJACENT UPPER LEVEL.
8. EXISTING STRUCTURE TO BE REMOVED.
9. EXISTING RETAINING WALL, TO BE REPLACED BY
NEW STONE RETAINING WALL.
10. FIRE WALL, INCLUDED FOR FIRE DEPARTMENT
ACCESS.
11. ACCESS TO EXISTING SUBSTATION/AT
FALL-OUT SHELTER BELOW.
12. REPLACE EXISTING WARE WALL PERIOD WITH
NEW WALL WHICH INCLUDES
13. NEW SECURITY GATES.
14. NEW EXISTING INTERSECTION.
15. FENCE AT OLD CANYON ROAD
(SEE DWG. 11 SHEET A-1.1.9).
16. EXISTING DRAINAGE CULVERT.
17. NEW WARE TO REPLACE EXISTING CULVERT
(CROSSING).
18. EXISTING DRIVEWAY
TO BE DEMOLISHED.
19. EXISTING UNDER A STORAGE
TANK TO BE REMOVED.
20. EXISTING STRUCTURE
TO BE REMOVED.

RESIDENCE FOR
TREY TRUST
CALABAS, CALIFORNIA
STUDIO ARQUITECTURA

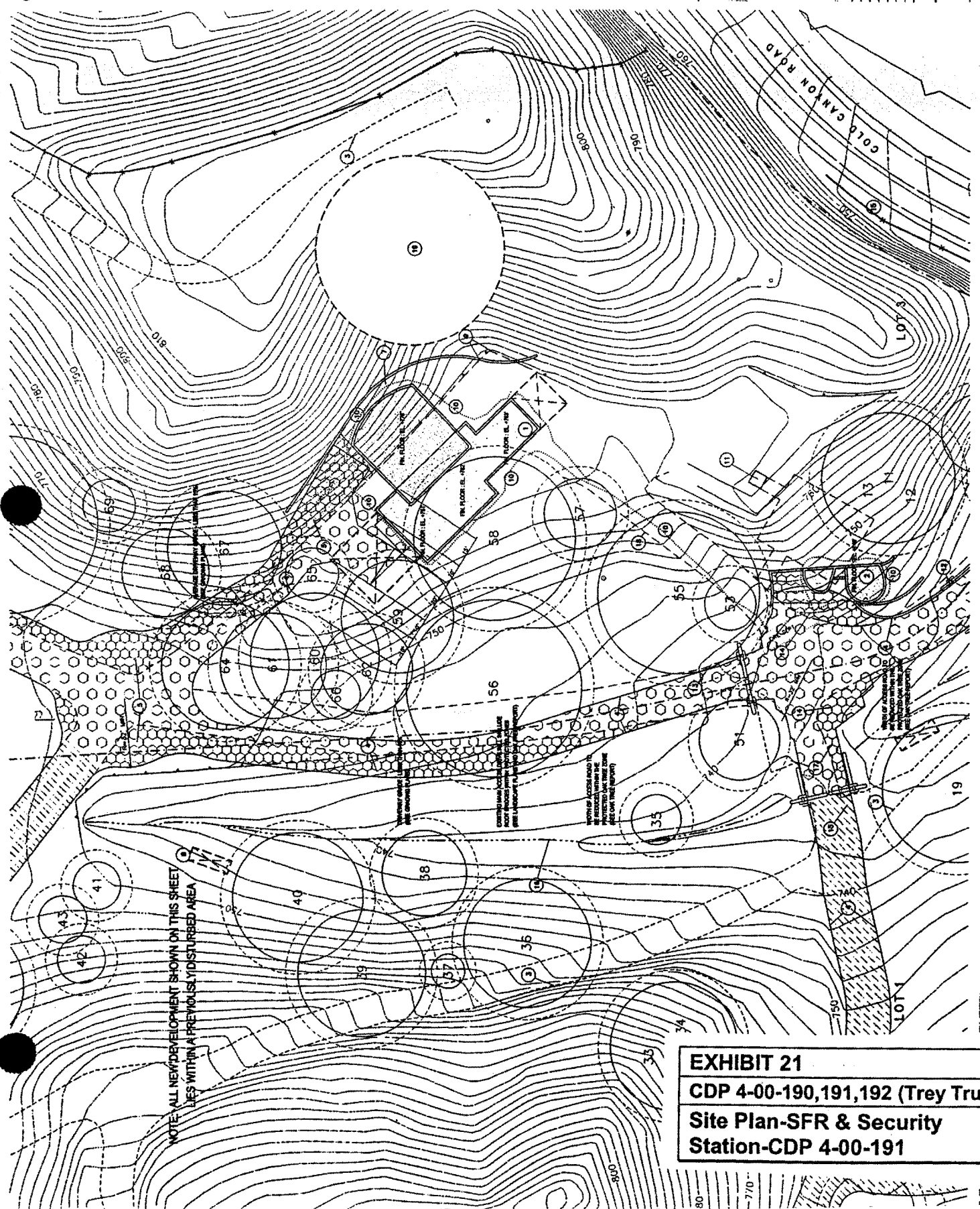
Stephen Scalet
Harry P. H. Smith

1011 W. Main Street
Portland, ME 04101
Tel: 603-233-2075
Fax: 603-233-2075

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 3. CITY _____
 4. STATE _____
 5. ZIP _____
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 8. SIGNATURE _____
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 99. PRINT NAME _____
 100. DATE _____

ENLARGED SITE PLAN
LOT 1 - MAIN HOUSE AND SECURITY STATION

AS NOTED
A-2.2



NOTE: ALL NEW DEVELOPMENT SHOWN ON THIS SHEET
LIES WITHIN A PREVIOUSLY DISTURBED AREA

EXHIBIT 21
CDP 4-00-190,191,192 (Trey Trust)
Site Plan-SFR & Security Station-CDP 4-00-191

MY STATION

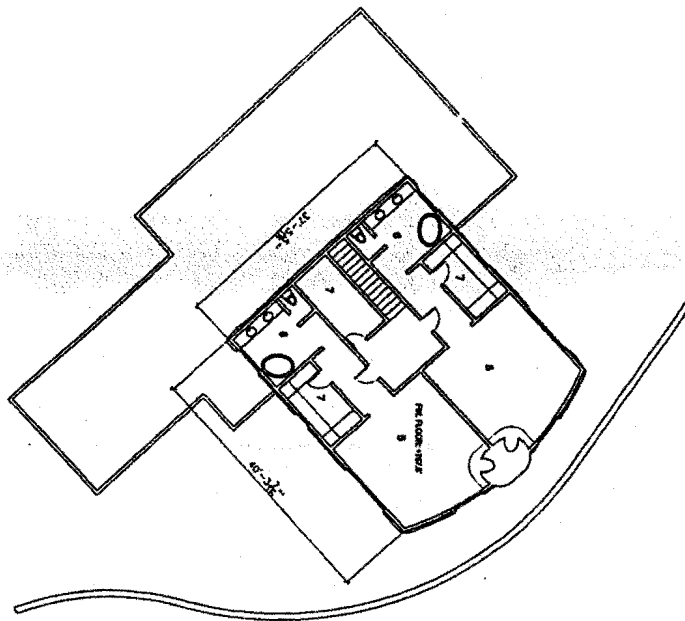
the

2 SECOND FLOOR - MAIN HOUSE - LOT 3

1/8"=1'-0"

1 GROUND FLOOR PLAN - MAIN HOUSE - LOT 3

1/8"=1'-0"



2 FLOOR PLAN - SECURITY STATION - LOT 3

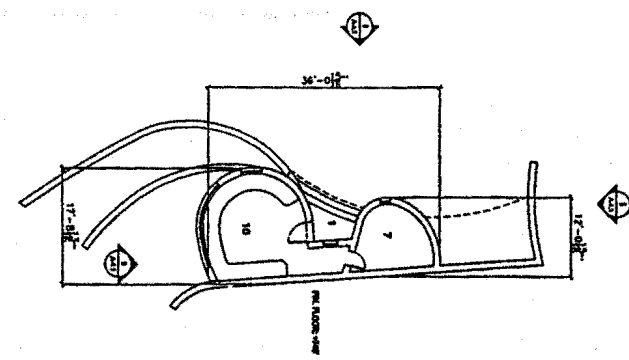


EXHIBIT 22
CDP 4-00-190,191,192 (Trey Trust)
Floor Plans-SFR & Security
Station-CDP 4-00-191

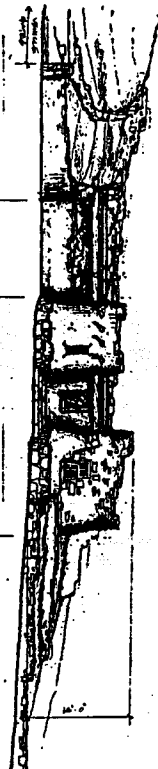
- LEGEND**
- 1 ENTRY
 - 2 LIVING ROOM
 - 3 DINING ROOM
 - 4 KITCHEN
 - 5 BREAKFAST ROOM
 - 6 BATHROOM
 - 7 BATHROOM
 - 8 CLOSET
 - 9 UTILITY ROOM
 - 10 PANTRY
 - 11 SECURITY DESK

RESIDENCE FOR
TREY TRUST
 CLARKSON, CALIFORNIA
STUDIO ARCHITECTURE

100 N. Long Beach
 Los Angeles, CA 90013
 Tel. (213) 425-1234
 Fax (213) 425-1235

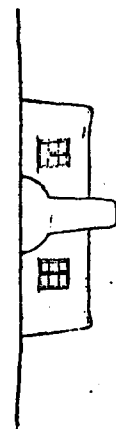
Architect: Studio Architecture
 Designer: [Name]
 Date: [Date]

Scale: 1/8"=1'-0"
 A-1

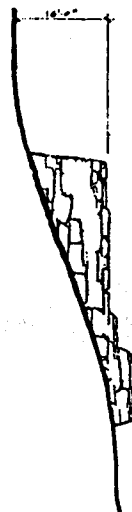


WEST ELEVATION - SECURITY STATION
 1/8" = 1'-0"

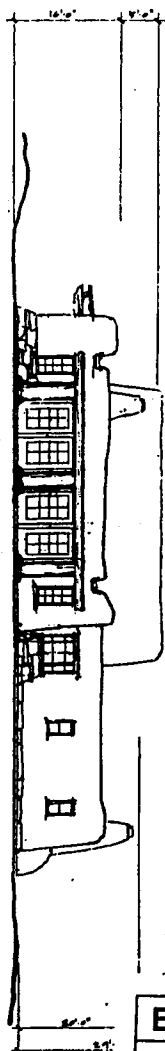
WEST ELEVATION - SECURITY STATION
 1/8" = 1'-0"



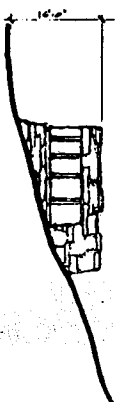
EAST ELEVATION - MAIN HOUSE
 1/8" = 1'-0"



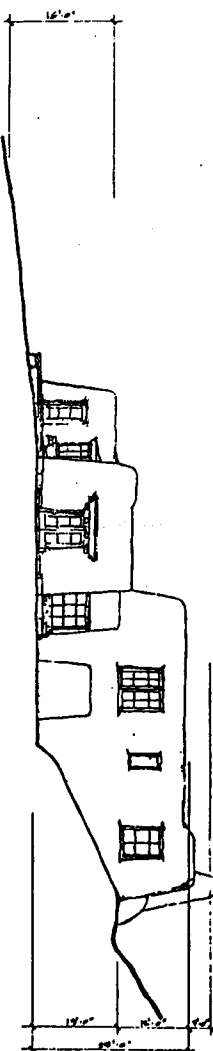
EAST ELEVATION - SECURITY STATION
 1/8" = 1'-0"



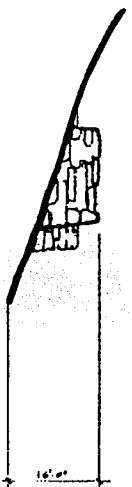
WEST ELEVATION - MAIN HOUSE
 1/8" = 1'-0"



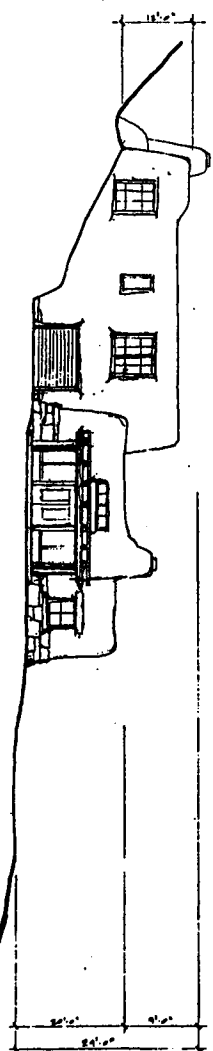
SOUTH ELEVATION - SECURITY STATION
 1/8" = 1'-0"



SOUTH ELEVATION - MAIN HOUSE
 1/8" = 1'-0"



NORTH ELEVATION - SECURITY STATION
 1/8" = 1'-0"



NORTH ELEVATION - MAIN HOUSE
 1/8" = 1'-0"

EXHIBIT 23
CDP 4-00-190,191,192 (Trey Trust)
Elevations-SFR & Security
Station-CDP 4-00-191

RESIDENCE FOR
TREY TRUST
 CALIFORNIA, CALIFORNIA

Architect: [Name]
 Date: [Date]
 Scale: 1/8" = 1'-0"

Sheet: A-4.1

DIRECTORY

PROPERTY
1401 COLD CANYON ROAD
CALABASAS, CALIFORNIA 91302

OWNER
THE TREY TRUST
c/o GELFAND, RENNERT & FELDMAN, LLC
1880 CENTURY PARK EAST
SUITE 1600
LOS ANGELES, CALIFORNIA 90067
310-553-1707

AGENT
MARNY RANDALL
909 EUCLID STREET #6
SANTA MONICA, CALIFORNIA 90403
310-395-2368

ARCHITECT and LANDSCAPE DESIGN
STUDIO ARQUITECTURA, INC.
P.O. BOX 9470
SANTA FE, NEW MEXICO 87504
505-982-5338

CIVIL ENGINEER
PEAK SURVEYS, INC.
2488 TOWNSGATE ROAD, SUITE D
WESTLAKE VILLAGE, CALIFORNIA 91361
805-497-0102

SEPTIC DESIGN
TOPANGA UNDERGROUND
P.O. BOX 108
TOPANGA, CALIFORNIA 90290
310-455-2189

ECOLOGICAL SURVEY
GEO SAFETY, INC.
1462 LACHMAN LANE
PACIFIC PALISADES, CALIFORNIA 90272
310-454-1832

RESIDENTIAL DEVELOPMENT PLANS FOR THE

TREY TRUST

1401 COLD CANYON ROAD
CALABASAS, CALIFORNIA

SUBMITTED TO CALIFORNIA COASTAL COMMISSION
FOR APPROVAL IN CONCEPT - SEPTEMBER 15, 2000
REVISED PER COASTAL PROGRAM ANALYST'S REQUEST - SEPTEMBER 28, 2000

FINAL REVISED PLANS - DECEMBER 28, 2000

DRAW

C-1.1
C-1.2
C-2.1
C-2.4

ARCHITECT
A-1.1
A-1.2
A-2.1
A-2.2
A-3.1
A-4.1
A-4.2

LANDSCAPE
L-1.1
L-1.2
L-1.3
L-1.4
L-1.5

EXHIBIT 24

CDP 4-00-190,191,192 (Trey Tr
Plan Cover Sheet-CDP 4-00-192
(1401 Cold Canyon Road)

LL SITE
AGE COURSE

30 sheet 1 of 3)
3)
N (GEO sheet 3 of 3)

CONCEPT
See Separate Documents Package

LOT (PARCEL) #1

Zone	AS-1
APN	445-028-013
Address	1401 Cold Canyon Road Calabasas, California 91302
Legal Description	See Exhibit A.1
Lot Size	66.61 acres (2,900,333 sq ft)
Existing Buildings	
As Permitted	2,020 sq ft - total ground floor footprint 1,370 sq ft - main house (one story) 750 sq ft - guest house (one story)
New Buildings	7,520 sq ft - total floor area 6,150 sq ft - total ground floor footprint 4,370 sq ft - new main house ground floor 1,300 sq ft - new main house second floor 750 sq ft - new guest house 500 sq ft - guest house attached garage
Net Change	5,500 sq ft. Increase of Total Floor Area
Non-permitted Development	1,550 sq ft. - total (Misc. sheds, to be removed)
Existing Impervious cover	31,000 sq ft. - total 31,000 sq ft. - roads, drives, and pavement at pond
New Impervious cover	3,840 sq ft. - total 2,040 sq ft. - roads and drives 600 sq ft. - main house patios and walkways 200 sq ft. - guest house patios and walkways
Net Change	38,840 sq ft. Decrease in Impervious cover

Summary of Overall Coverage

(Includes building ground floor footprint and non-permitted development)

Existing Impervious cover	42,470 sq ft. - total 31,000 sq ft. - roads, drives, and pavements 1,370 sq ft. - main house ground floor 750 sq ft. - guest house ground floor
(Non-permitted development to be removed)	1,550 sq ft. - sheds, sheds, sheds 1,550 sq ft. - misc. sheds

New Impervious cover	6,440 sq ft. - total 4,150 sq ft. - main residence ground floor 750 sq ft. - guest house ground floor 500 sq ft. - guest house attached garage 2,040 sq ft. - roads and drives 800 sq ft. - main house patios and walkways 200 sq ft. - guest house patios and walkways
----------------------	---

Net Change: 26,030 sq ft. Decrease of Impervious cover

Existing Landscaped area	38,840 sq ft. - total 2,000 sq ft. - landscaped 37,840 sq ft. - lawn
--------------------------	--

New Landscaped area: 10,000 sq ft. total

Net Change: 21,840 sq ft. Decrease of Landscaped area

Existing Lawn: 31,840 sq ft. total

Lawn to remain in place: 7,500 sq ft. total

5,100 sq ft. - lawn
2,400 sq ft. - grasslands

Net Change: 24,340 sq ft. Decrease of Lawn area

Undeveloped area (Ponds): 66.7 acres (2,911,843 sq ft.)

LOT COVERAGE RATIO: 0.15%
Includes ground floor footprint and impervious cover

RECEIVED

JAN 04 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

VICINITY MAP

LOT (PARCEL) #1

1/2/2001

Date Submitted

CLAYTON, CALIFORNIA

三、

BALANCED SITE PLAN
LOT 1 - NW

100-1-1001

10

111

[illegible]

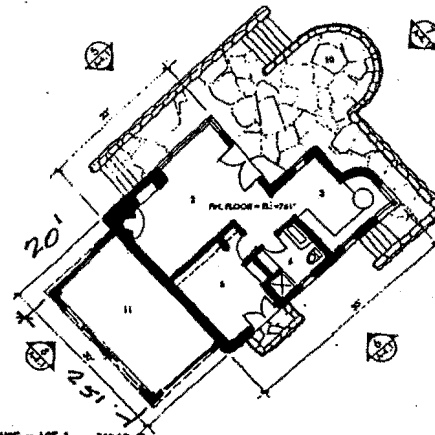
NOTE: ALL NEW DEVELOPMENT SHOWN ON THIS SHEET
LIES WITHIN A PREVIOUSLY DISTURBED AREA

EXHIBIT 25
CDP 4-00-190,191,192 (Trey Trust)
Site Plan-CDP 4-00-192

RECEIVED

JAN 08 2001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



- LEGEND
- 1 ENTRY
 - 2 LIVING ROOM
 - 3 DINING
 - 4 KITCHEN
 - 5 BEDROOM
 - 6 BATHROOM
 - 7 CLOSET
 - 8 LAUNDRY
 - 9 GARAGE
 - 10 PORCH
 - 11 500 SQ. FT. ATTACHED GARAGE (NO CONNECTING DOOR PERMITTED)
 - 12 ROOF OF LOWER LEVEL
 - 13 ROOF DECK
 - 14 SPA

3 FLOOR PLAN - GUEST HOUSE - LOT 1 785 SQ. FT.

1/8"=1'-0"

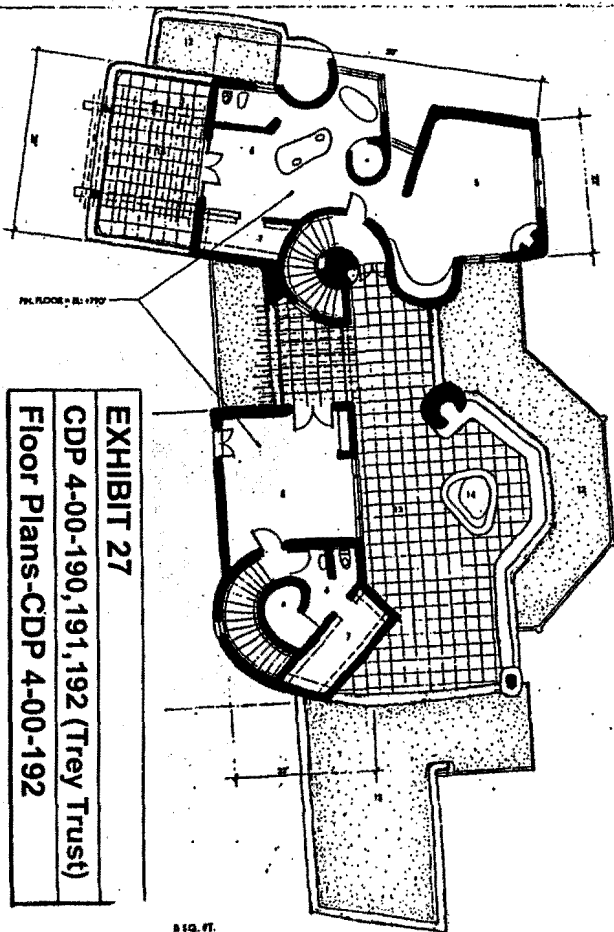
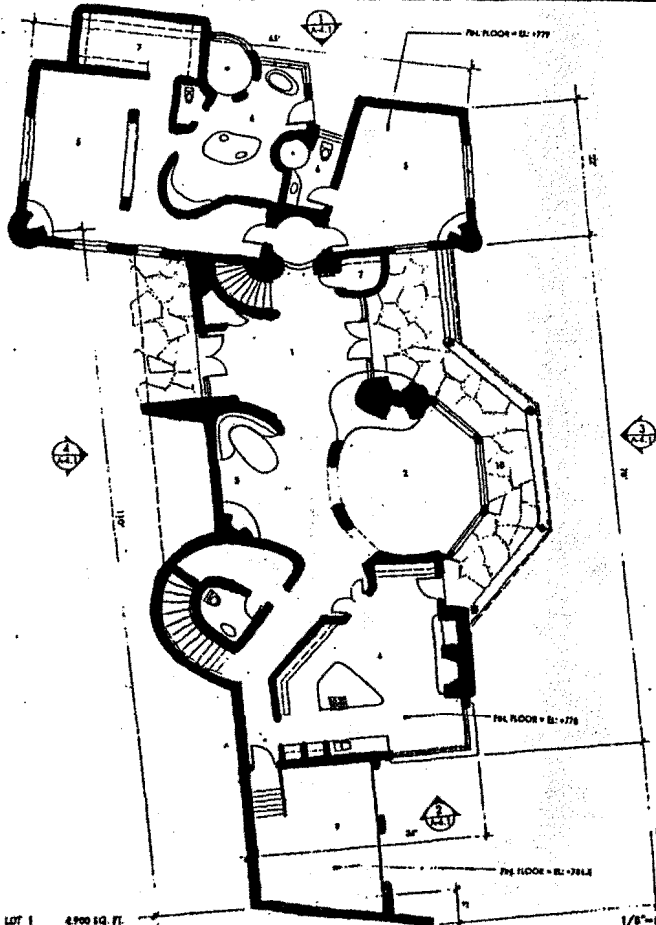


EXHIBIT 27
CDP 4-00-190, 191, 192 (Trey Trust)
Floor Plans-CDP 4-00-192



RESIDENCE FOR
TREY TRUS
CALABASAS, CALIFORNIA

Stephen R. Davidson
Harry P. Davis, Jr.

191 N. Main Street
Santa Fe, NM 87501
Tel. 505-426-5234
Fax 505-426-5241

SCALE: 1/8"=1'-0"

DATE: 1/8/01
DRAWN: J. L. L. L.
CHECKED: J. L. L. L.
APPROVED: J. L. L. L.

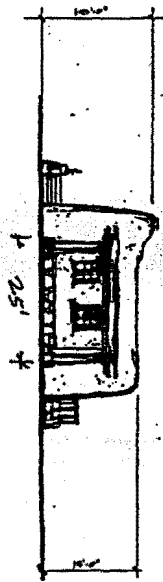
NOTES:
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.
3. ALL FLOORS ARE 4" THICK UNLESS OTHERWISE NOTED.
4. ALL ROOFS ARE 12" THICK UNLESS OTHERWISE NOTED.
5. ALL CEILING ARE 12" THICK UNLESS OTHERWISE NOTED.
6. ALL STAIRS ARE 12" THICK UNLESS OTHERWISE NOTED.
7. ALL DOORS ARE 12" THICK UNLESS OTHERWISE NOTED.
8. ALL WINDOWS ARE 12" THICK UNLESS OTHERWISE NOTED.
9. ALL PORCHES ARE 12" THICK UNLESS OTHERWISE NOTED.
10. ALL PATIOS ARE 12" THICK UNLESS OTHERWISE NOTED.
11. ALL DECKS ARE 12" THICK UNLESS OTHERWISE NOTED.
12. ALL SPAS ARE 12" THICK UNLESS OTHERWISE NOTED.
13. ALL POOLS ARE 12" THICK UNLESS OTHERWISE NOTED.
14. ALL GARAGES ARE 12" THICK UNLESS OTHERWISE NOTED.

FLOOR PLANS
MAIN HOUSE, GUEST HOUSE, BIRD ARRYEN - LOT 1
A-3.1

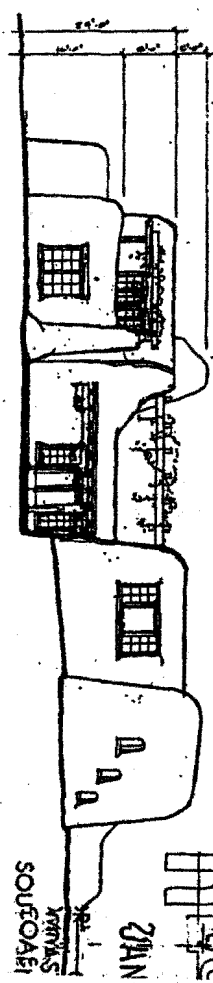
REF
2011
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SOUTHERN

EXHIBIT 28
CDP 4-00-190,191,192 (Trey Trust)
Elevations-CDP-4-00-192

1
TRICT

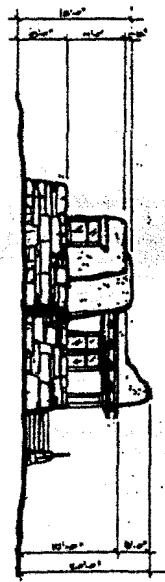


WEST ELEVATION - GUEST HOUSE

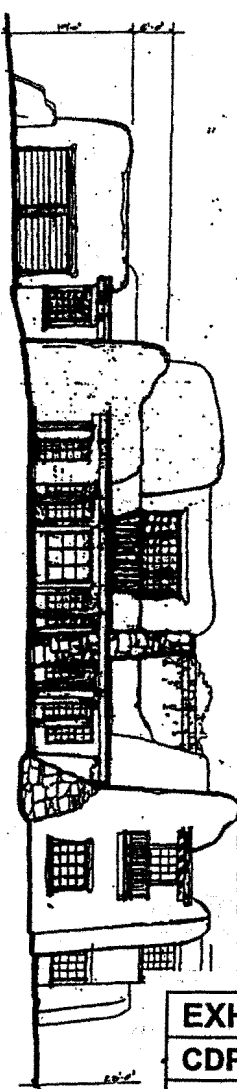
$$\frac{1}{\sqrt{1-\beta^2}} = \gamma$$


WEST ELEVATION - MAIN HOUSE

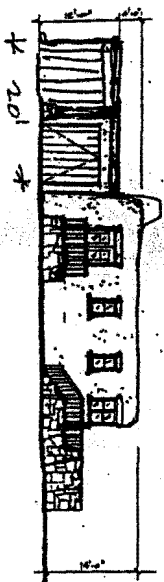
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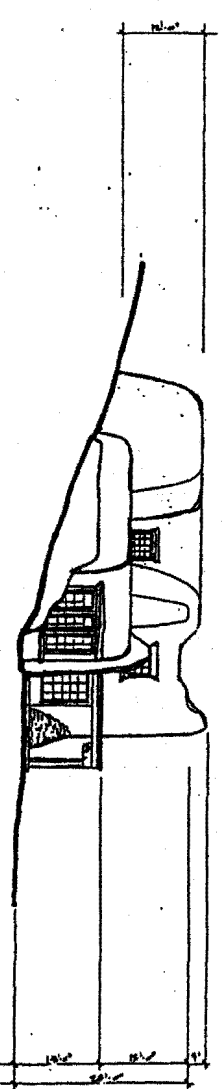
7 EAST ELEVATION - GUEST HOUSE

$$\frac{1}{n^*} = 1 - \delta^*$$


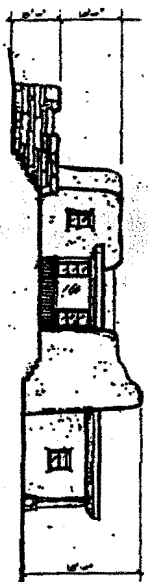
3 EAST ELEVATION - MAIN HOUSE

$$\frac{1}{\pi} = 1 - \sigma^2$$


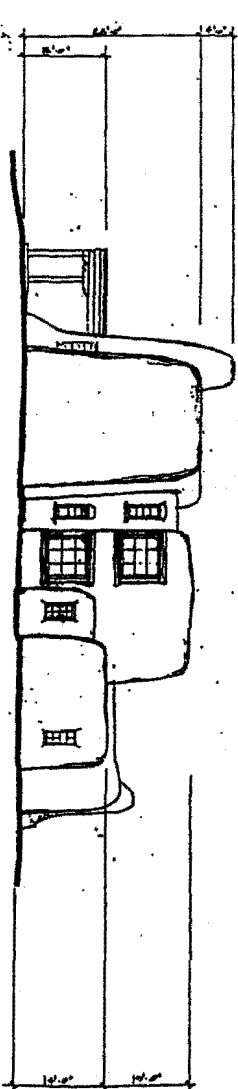
⑤ SOUTH DIVISION - GUEST HOUSE

$$\frac{1}{\sigma} = 1.0^\circ$$


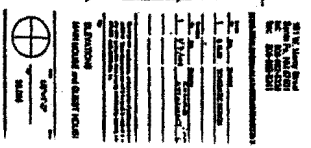
2 SOUTH ELEVATION - MAIN HOUSE

$$\underline{1/N^* = 1 - 0^*}$$


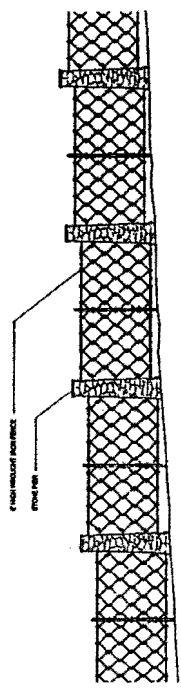
8 NORTH ELEVATION - GUEST HOUSE

$$\frac{1}{b^2} = 1 - a^2$$


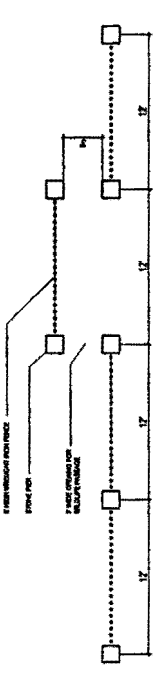
① NORTH ELEVATION - MAIN HOUSE

$$\frac{1}{10} = 10^{-1}$$


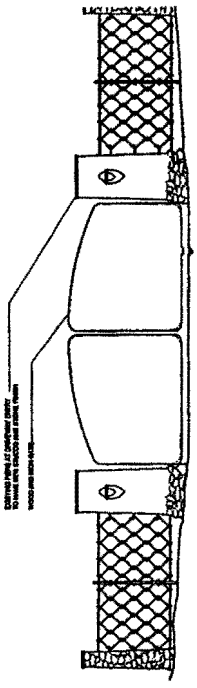
RESIDENCE
TREY TR
CUBASAS, CALIF



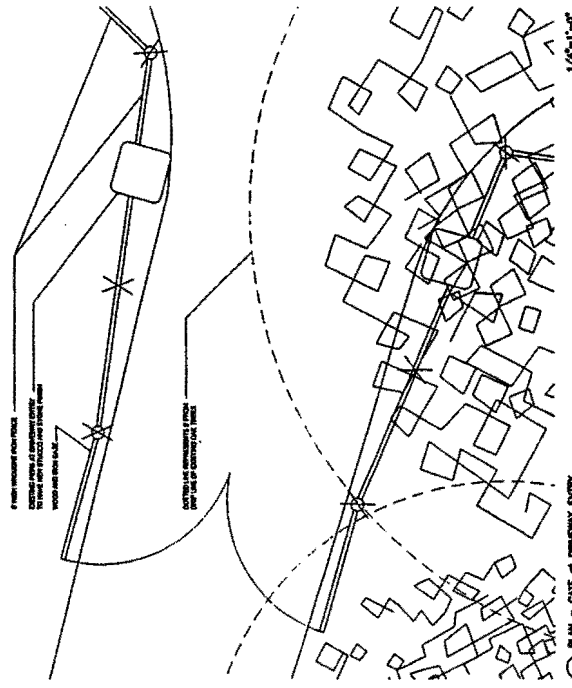
4 ELEVATION - FENCE at COLD CANYON ROAD 1/4"=1'-0"



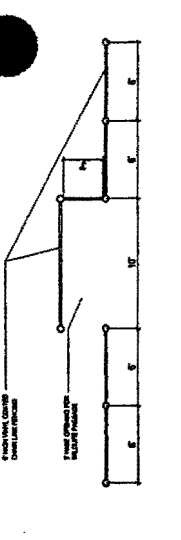
5 PLAN - FENCE at COLD CANYON ROAD 1/4"=1'-0"



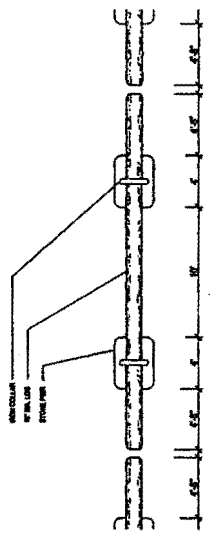
6 ELEVATION - GATE at DRIVEWAY ENTRY 1/4"=1'-0"



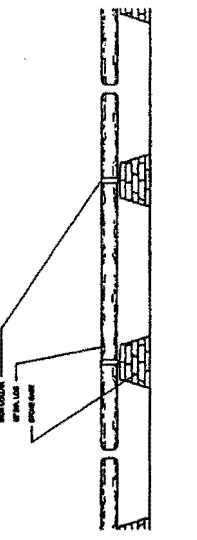
7 PLAN - GATE at DRIVEWAY ENTRY 1/4"=1'-0"



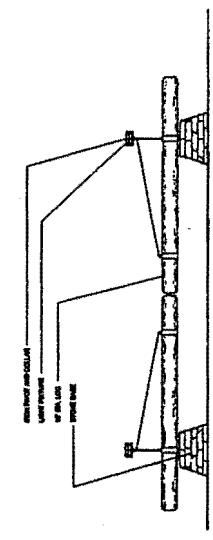
8 PLAN - TYPICAL CHAIN LINK FENCE 1/4"=1'-0"



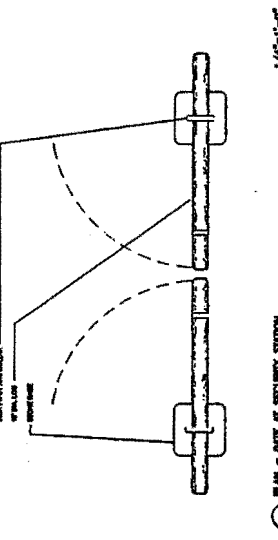
9 PLAN - TYPICAL FENCE ALONG DRIVEWAY 1/4"=1'-0"



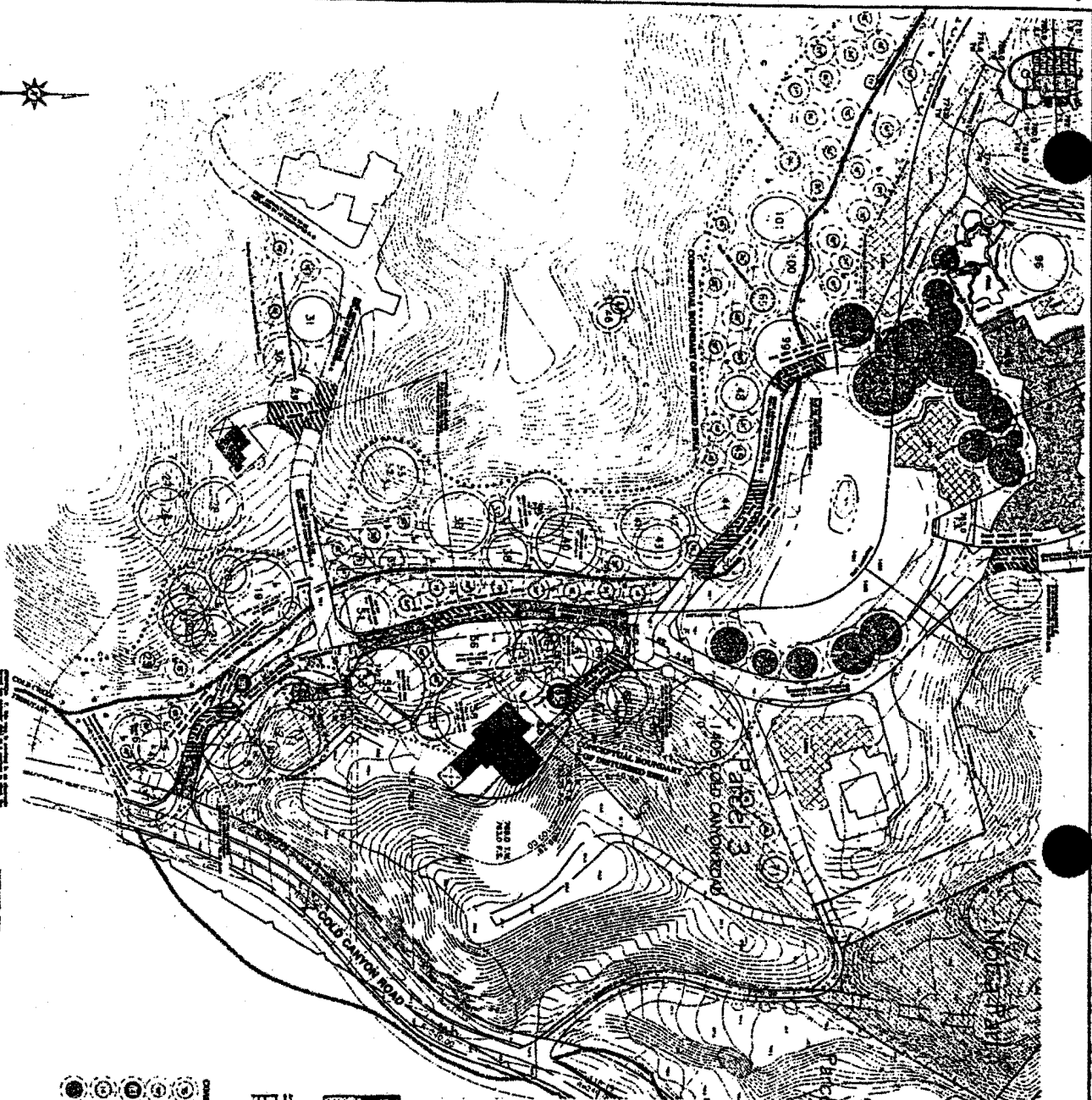
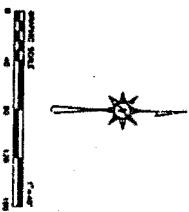
10 ELEVATION - TYPICAL FENCE ALONG DRIVEWAY 1/4"=1'-0"



11 ELEVATION - GATE at SECURITY STATION 1/4"=1'-0"



12 PLAN - GATE at SECURITY STATION 1/4"=1'-0"

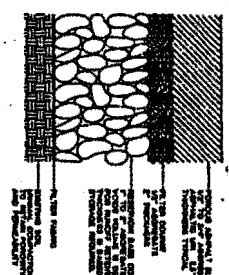
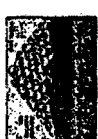


THESE ARE THE PROPOSED CHANGES TO THE PLAN SHEET 2 OF 3, DATED 10/1/00, AND SHEET 3 OF 3, DATED 10/1/00, FOR THE PROJECT DESCRIBED IN THE TITLE BLOCK.

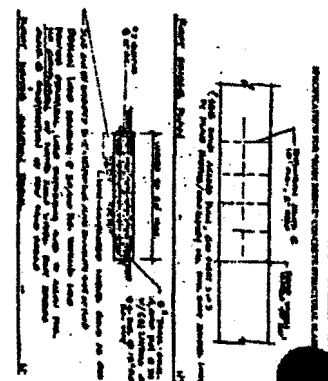
THESE ARE THE PROPOSED CHANGES TO THE PLAN SHEET 2 OF 3, DATED 10/1/00, AND SHEET 3 OF 3, DATED 10/1/00, FOR THE PROJECT DESCRIBED IN THE TITLE BLOCK.

- CONCRETE CURB LAYOUT**
- 1. Proposed concrete curb layout.
 - 2. Proposed concrete curb layout.
 - 3. Proposed concrete curb layout.
 - 4. Proposed concrete curb layout.
 - 5. Proposed concrete curb layout.
 - 6. Proposed concrete curb layout.
 - 7. Proposed concrete curb layout.
 - 8. Proposed concrete curb layout.
 - 9. Proposed concrete curb layout.
 - 10. Proposed concrete curb layout.

NO.	DESCRIPTION	DATE
1	Proposed concrete curb layout.	10/1/00
2	Proposed concrete curb layout.	10/1/00
3	Proposed concrete curb layout.	10/1/00
4	Proposed concrete curb layout.	10/1/00
5	Proposed concrete curb layout.	10/1/00
6	Proposed concrete curb layout.	10/1/00
7	Proposed concrete curb layout.	10/1/00
8	Proposed concrete curb layout.	10/1/00
9	Proposed concrete curb layout.	10/1/00
10	Proposed concrete curb layout.	10/1/00



THESE ARE THE PROPOSED CHANGES TO THE PLAN SHEET 2 OF 3, DATED 10/1/00, AND SHEET 3 OF 3, DATED 10/1/00, FOR THE PROJECT DESCRIBED IN THE TITLE BLOCK.



RESTORATION OF CENTRAL & LOWER DRAINAGE COURSE / ESHA

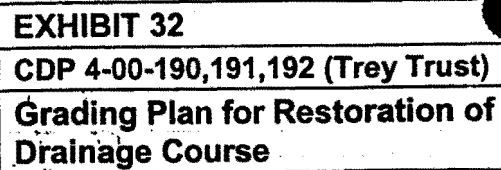
ROAD ACCESS & REALIGNMENT PLAN

GEO SAFETY, INC.
1441 Linderoth Lane
Pacifica, California, CA 94026
TEL: (415) 651-1400 FAX: (415) 651-1407

NO.	DESCRIPTION	DATE
1	Proposed concrete curb layout.	10/1/00
2	Proposed concrete curb layout.	10/1/00
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10	Proposed concrete curb layout.	10/1/00

EXHIBIT 30
CDP 4-00-190,191,192 (Trey Trust)
Road Realignment/Restoration Plan-Upper & Central Drainage Course (All Sites)

EXHIBIT 31
CDP 4-00-190,191,192 (Trey Trust)
Restoration Plan for Upper and Central Drainage Course



PARCELS 1 A
RTS STORAGE
DRAINAGE CO

CONFIDENTIAL

The following are the names of the persons who have been appointed as members of the committee:

Mr. J. H. Smith
Mr. W. B. Jones
Mr. C. D. Brown
Mr. E. F. Green
Mr. G. H. White

PREPARED FOR: _____
 BY: Mr. J. M. [unclear]
 1000 [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]
 [unclear] [unclear] [unclear] [unclear]

[illegible]



EXHIBIT 34
CDP 4-00-190,191,192 (Trey Trust)
Landscape Plan (All Sites)

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NOTES

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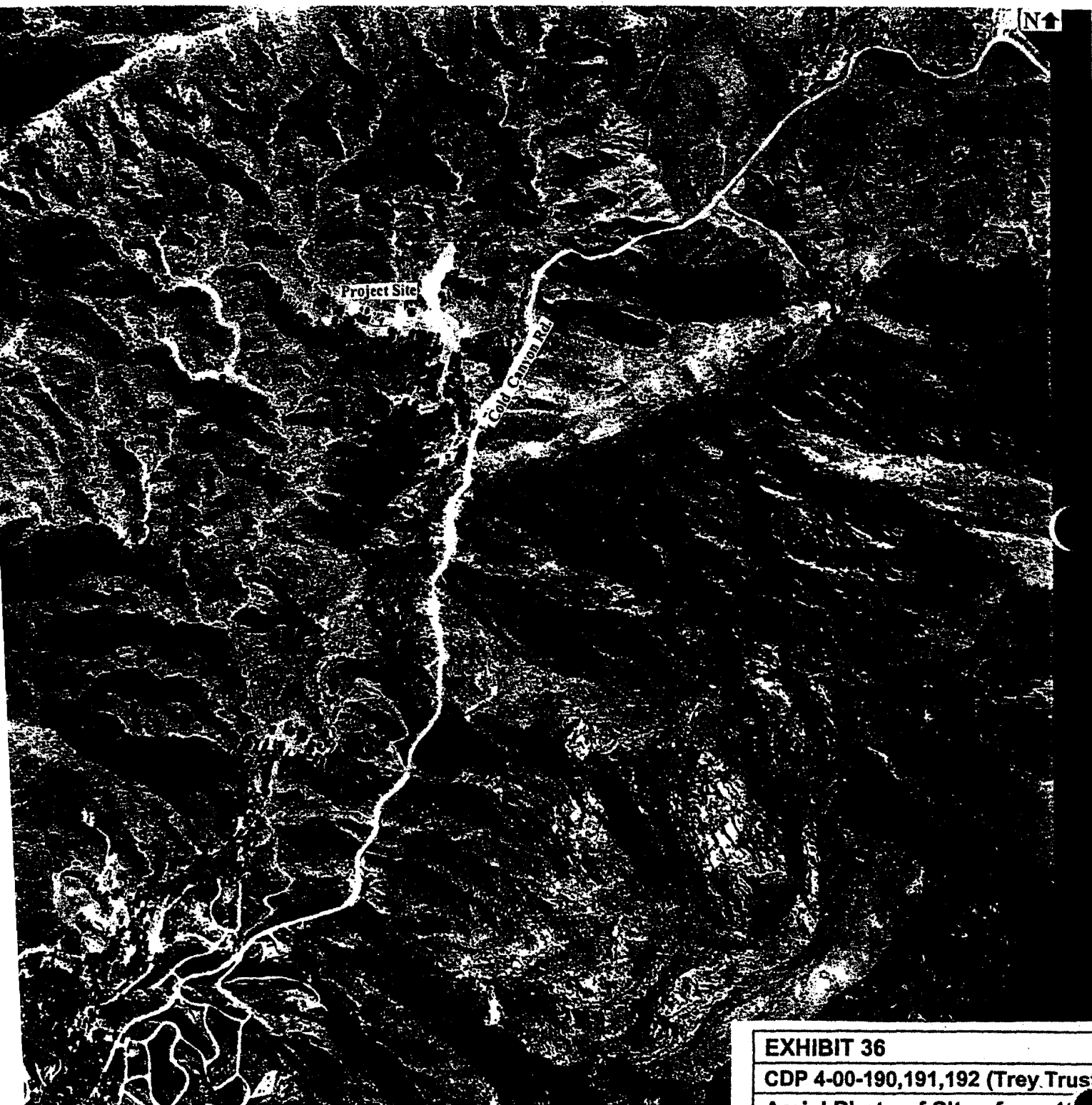


EXHIBIT 36

CDP 4-00-190,191,192 (Trey Trust)

Aerial Photo of Sites from 1952

Photo 1 – This enlargement of the 1952 aerial photo frame 102 indicates that most of the present development footprint had already been disturbed, probably by farming (with serious detrimental impacts on the riparian woodland and oak woodland plant communities).

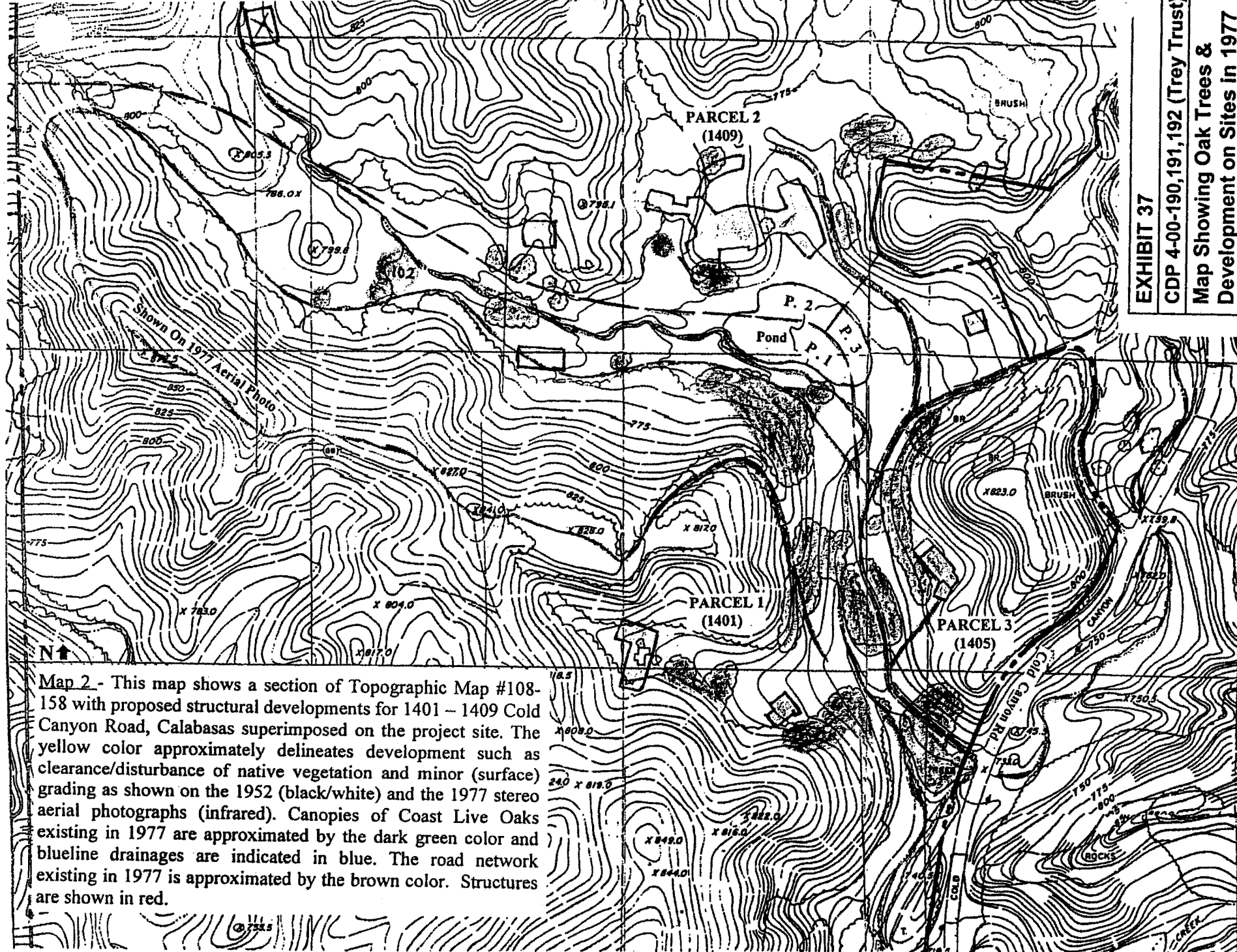


EXHIBIT 37

CDP 4-00-190,191,192 (Trey Trust)

Map Showing Oak Trees & Development on Sites in 1977



Photo 8 – Wrong tree, wrong place, wrong planting method. The relocated Coast Live Oaks along the pond were planted too deep into the ground instead of elevated above the surrounding wet areas and are dying. Lawn irrigation around the trees keeps the basins wet and has largely killed the underground root balls. The trees, in an attempt to survive, have sent out new lateral roots near the soil surface that can barely support the sparse leaves of thin crowns. (Roll #43-13, 4-16-2000).



Photo 9 – When disaster strikes such as rainstorms (that fill up the basins) or the pond overflows, the tree roots may be submerged in standing water for over 24 hours. The trees are dying in this location and a few still healthy ones could be removed to the Oak Woodland restoration areas (Roll #45-17, 4-17-2000).



Photo 14 – Grade changes around the oaks are also serious killers of oaks over time. The grade was changed around the oaks and sycamores along the creekbank to the left of the entrance gate. One 25" dbh oak (oak #6) has already recently died for 'unknown' reasons. Changing the grade was a likely contributory cause (Roll #44-12; 4-17-2000).

EXHIBIT 39

CDP 4-00-190,191,192 (Trey Trust)

**Photo of Grading Beneath Oak
Trees & Sycamores**

SANTA MONICA MOUNTAINS TRAILS COUNCIL

PO BOX 345 AGOURA HILLS, CA 91376 (818)222-4531 SMMTC@YAHOO.COM

January 25, 2001



Ms. Sabrina Haswell
Coastal Program Analyst
California Coastal Commission
89 S. California St, Suite 200
Ventura, CA 93001

Re: CDP 4-00-190, 191, 192 (Trey Trust) and CDP 5-87-590 (Vinton): Calabasas-Cold Creek Trail Easement

Dear Ms. Haswell:

This letter is written in response to requests for clarification/input from the Santa Monica Mountains Trails Council (SMMTC) pertaining to the existing public trail system on the affected properties.

We understand that the present owner, the Trey Trust, is applying for further Coastal Development Permits for the three contiguous parcels at 1401, 1405, and 1409 Cold Canyon Road (the former Vinton parcels). In addition, they are offering another approximately 40 acres of open space easements for further protection of the Cold Creek watershed and an ESHA that is being restored along a blueline creek within the three properties. We strongly support such open space dedications and the restoration of the mountains' natural resources, where feasible.

Our records indicate that in 1987 the Trails Council worked with the owners of contiguous parcels at 1401, 1405 and 1409 Cold Canyon Road, (Assessor's Parcel #'s 4455-036-015, 013 & 014, and 011 respectively) in realigning a section of the Calabasas-Cold Creek Trail. This was done to meet the development needs of then-owner Vinton, while protecting this section of the trail system, as shown on the Malibu/Santa Monica Mountains Area Plan Trail System Map. This map was produced by Los Angeles County Department of Parks and Recreation in 1983.¹


¹ In the late 1970's and early 1980's the SMMTC, in cooperation with the Departments of Regional Planning and Parks & Recreation, developed the Santa Monica Mountains Backbone and Feeder Trail System. This trail system was developed by the Los Angeles County Department of Parks & Recreation. The *Santa Monica Mountains Area Plan Trail System*, is consistent with the Malibu/Santa Monica Mountains Area Plan Trail System.

EXHIBIT 40-a
CDP 4-00-190,191,192 (Trey Trust)
Letter from the SMMTC-1 of 6

This realigned section of the Calabasas-Cold Creek Trail was shown as Exhibit 3 to CDP (Coastal Development Permit) application 5-87-590 (see attached). The section of the mapped trail (paper trail) within 1401 Cold Canyon Road was kept in its approximate original location along the banks of Cold Creek and its tributary. However, the realigned trail within 1405 Cold Canyon Road was moved to the adjacent property to the east because it passed directly adjacent to a pre-existing single family residence on the property. The conceptual trail section within 1409 Cold Canyon Road was also realigned to the adjacent parcel to the east so as to tie the new trail alignment together. The application was subsequently approved by the Coastal Commission with an offer by the owner/applicant Vinton to dedicate a 20-foot wide and approximately 1500-foot long trail easement within 1401 Cold Canyon Road. Most of this trail easement lies within an approximately 20-acre open space easement, dedicated by Mr. Vinton as part of CDP 5-87-590. For security reasons the owner installed a five-foot-wide unlocked gate within a chainlink fence running along Cold Canyon Road, with the fence also along the northern side of the trail easement starting at Cold Canyon Road.

Presently, this trail lies within the dedicated trail easement of 1401 Cold Canyon Rd. and serves as a vital link in the local trail system. It is used regularly, as indicated by the attached photographs taken on January 24, 2001. Past and present owners have been very cooperative in providing clear and unhindered access to the property, and the Trey Trust has also been cooperative in providing assistance in emergencies. The chainlink fences, installed about 1988, are not a hindrance for using the dedicated trail; and they actually assist in delineating it so that trail users do not inadvertently use the adjacent private property. In the past, the gate remained unlocked at all times. However, the SMMTC feels that the gate should be removed as it is not appropriate on a public trail. Further, the gate impairs wildlife and reduces the safety of the access. The trail also needs to be signed.

Sincerely,



Ruth L. Gerson, President

EXHIBIT 40-b
CDP 4-00-190,191,192 (Trey Trust)
Letter from the SMMTC-2 of 6

The plan states: "These trails are shown for planning purposes only. Persons proposing to develop within areas affected by the trail locations shown on this map should contact County Parks and Recreation to determine more specific alignments in order to provide for compatible land use arrangements of their projects".



Cold Canyon Rd looking Northwesterly

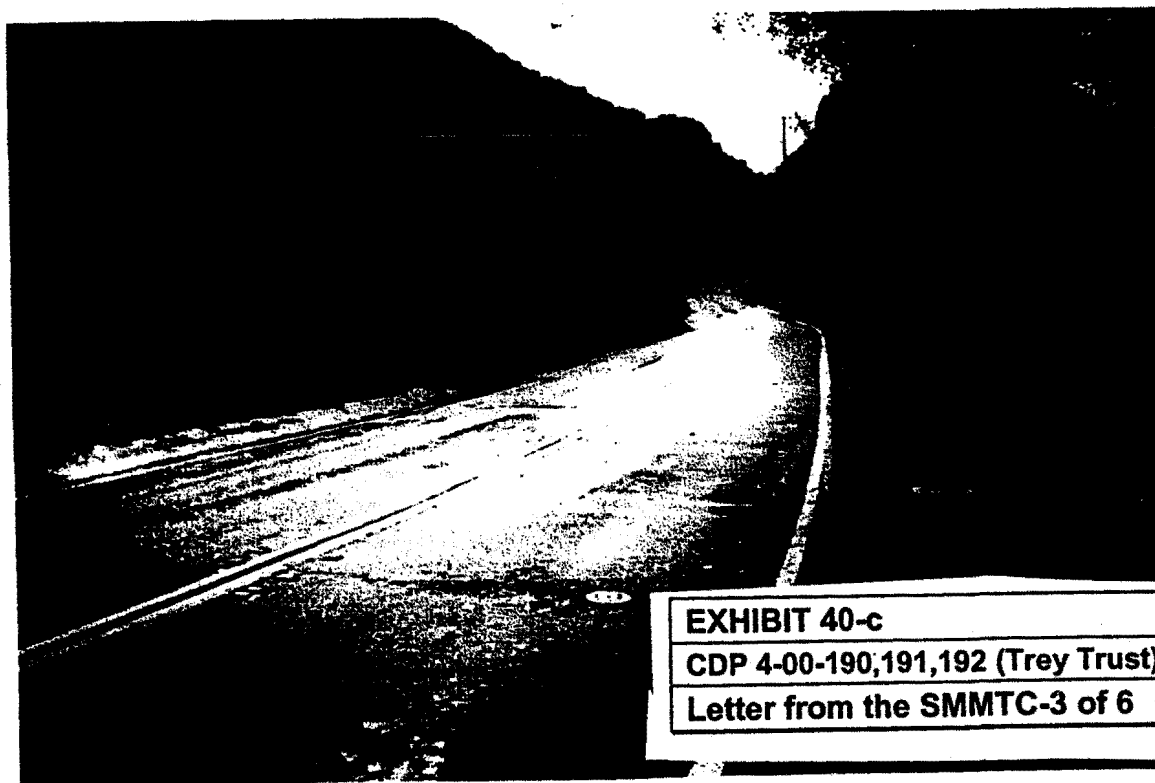
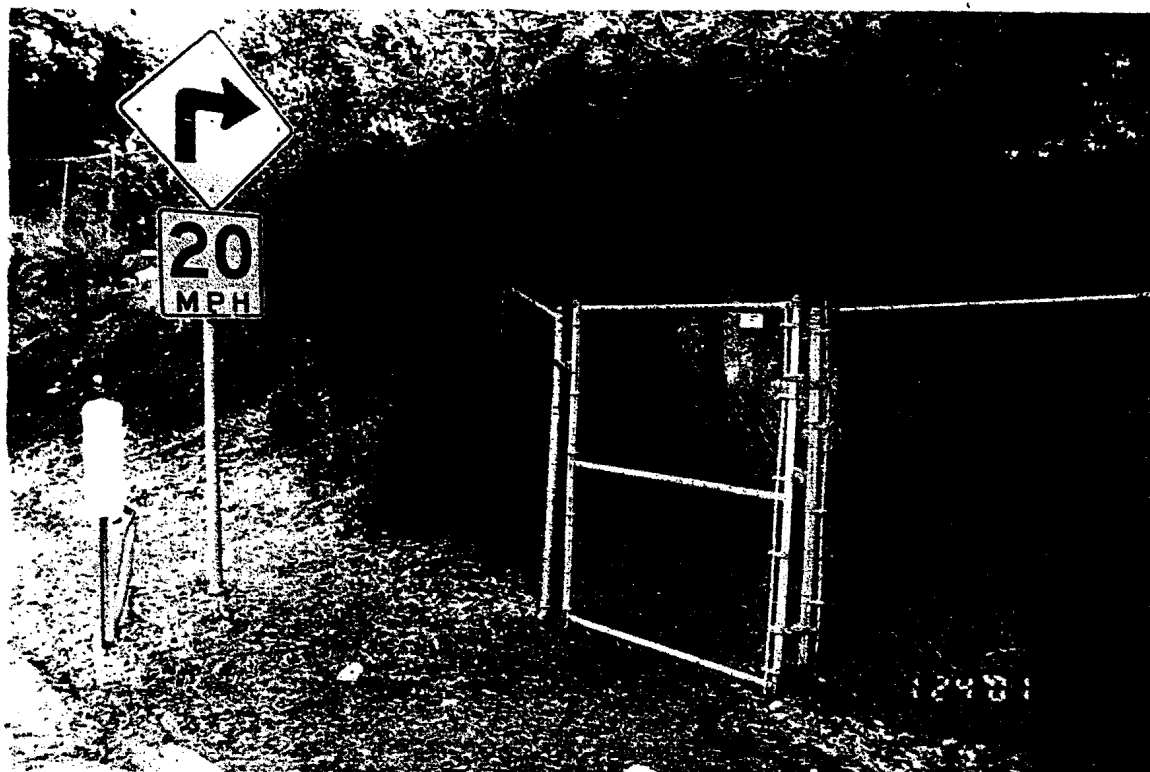


EXHIBIT 40-c
CDP 4-00-190,191,192 (Trey Trust)
Letter from the SMMTC-3 of 6

Cold Canyon Rd looking Southerly



Entrance to Trail Easement along Cold Canyon Rd.

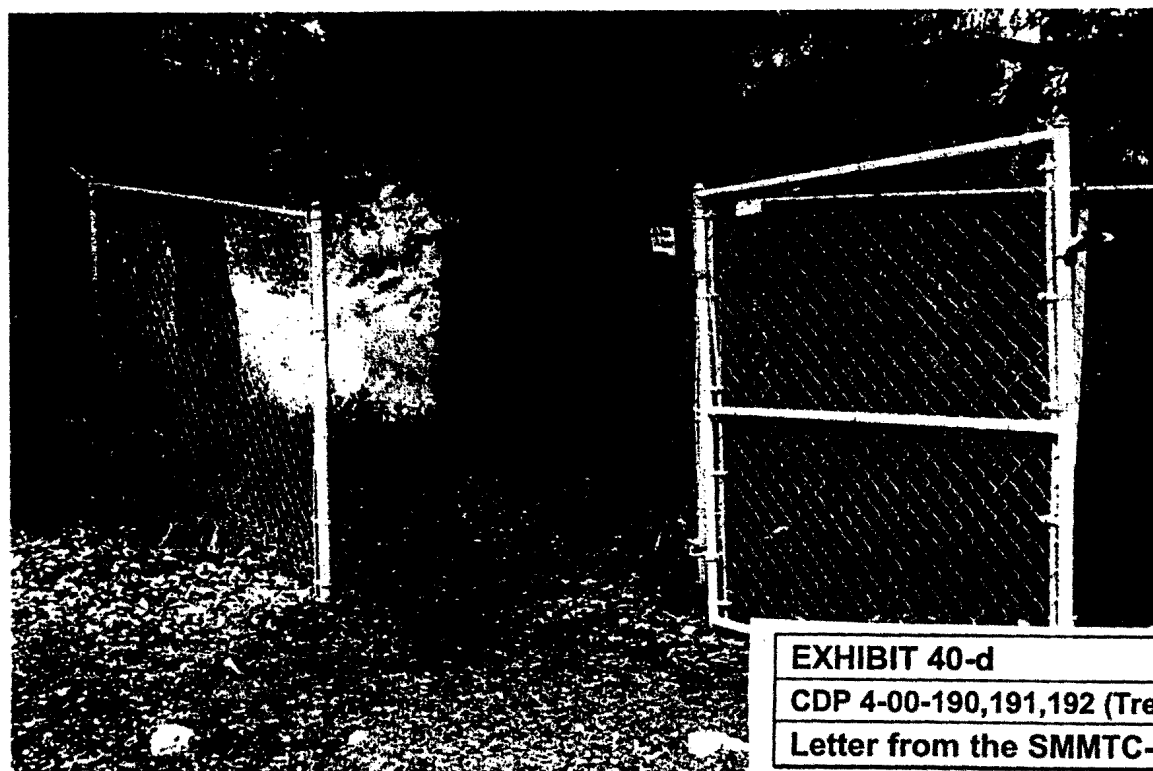


EXHIBIT 40-d
CDP 4-00-190,191,192 (Trey Tru
Letter from the SMMTC-4 of 6

Entrance gate with security fencing



Trail leading out of tributary to Cold Creek

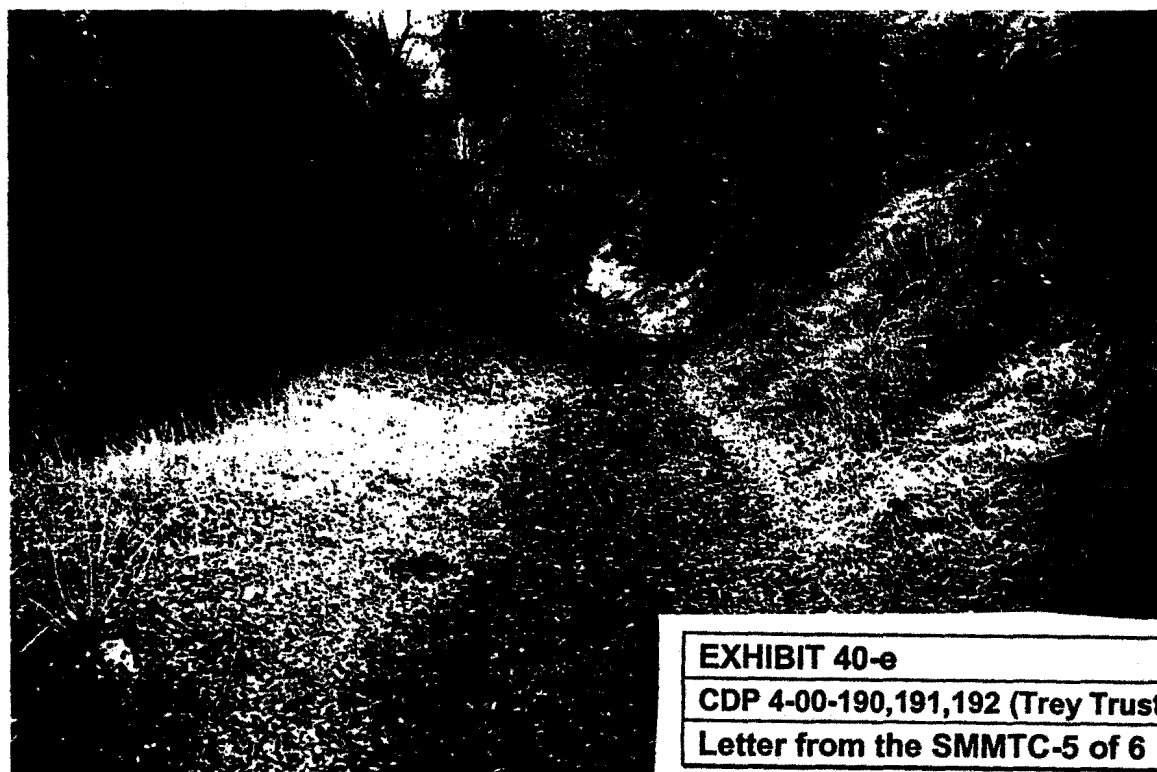


EXHIBIT 40-e

CDP 4-00-190,191,192 (Trey Trust)

Letter from the SMMTC-5 of 6

Walking along the trail - southerly

TREY TRUST

500 feet

BM 8330

TREY

Proposed
Open
Space
Easement
(2001)

Open Space Easement
(1987)

20' wide, approximately 1500' long
trail easement runs southerly from road

Mountains Restoration Trust
(MRT)

EXHIBIT 40-f
CDP 4-00-190,191,192 (Trey Trust)
Letter from the SMMTC-6 of 6

CALABASAS-COLD CREEK TRAIL



SANTA MONICA MOUNTAINS TRAILS COUNCIL

24735 Mulholland Hwy., Calabasas, CA 91302 (818)888-9830

RECEIVED
AUG 17 1967

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Mr. Gary Timm, Planner
California Coastal Commission
South Coast District Office
P. O. Box 1450
Long Beach, CA 90801

REFERENCE: 5-87-590 (Vinton) on Cold Cyn. Rd., Calabasas

Dear Mr. Timm:

This letter is to advise the Commission that the Calabasas-Cold Creek Trail traverses the above referenced parcel. As you probably know, this is an existing trail and is adopted by the County of Los Angeles as part of the County wide General Plan, the Malibu/Santa Monica Mountains Area Plan and the Malibu LUP.

We request that as a condition for their permit, the Vinton's dedicate an easement for this trail for equestrian and hiking use.

Enclosed is a map showing the approximate location of the trail as it is currently being used by the public. We believe that the Vinton's and our Trails Council are in agreement that this is the best location for the trail. This alignment has met the approval of the County Parks Department trail planner, Mr. Tom Reilly, as well.

Please do not hesitate to call me if there is anything we can do to assist with this.

Sincerely yours,



Linda Palmer, President

Enc.
cc: James Harnish
Dan Moss

EXHIBIT 41

CDP 4-00-190,191,192 (Trey Trust)

Letter from SMMTC for
CDP 5-87-590 (Vinton)

5860 Belbert Circle
Calabasas, CA 91302
September 5, 1987

RECEIVED

SEP 11 1987

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Gary Timm
California Coastal Commission
245 West Broadway, Suite 380
Long Beach, CA 90802

Re: Application 5-87-590 (Vinton)

Dear Mr. Timm,

I am enclosing a ten-year-old state park map of the Santa Monica Mountains Backbone Trail project which shows the Cold Creek Trail as a major regional trail.

I have personally walked the Cold Creek Trail on this property. It exists on what appears to be an old roadway on the slope above the west bank of Cold Creek. I recall walking it in the summer of 1982 with a local resident who told me she frequently rode her horse on it.

In addition to its local use, this trail is an important low elevation connection between Malibu Creek State Park and state-owned Stunt Ranch. As a member of the Santa Monica Mountains Conservancy Citizens Advisory Committee I participated in several discussions looking to the purchase of what is now the Vinton property, primarily to establish a staging area and campground on the Cold Creek Trail.

The site is in the Cold Creek Watershed Management area and contains over 1200' of the Cold Creek riparian habitat. Cold Creek runs all year down to this property (though not on it) and is both an important habitat in its own right and the main eastern tributary of Malibu Creek, the southernmost steelhead run in the state.

The Cold Creek Watershed Buffer was first established in the Conservation Element of the 1980 General Plan because the County's own biological consultant had advised that "A buffer area is required northeast of (Malibu Canyon) including the Cold Creek drainage and watershed" to protect the resources of Malibu Canyon, which includes the southernmost steelhead run in the state and the last coastal lagoon in Los Angeles County. According to the County's consultant "... buffer zones will not sustain heavy development, watercourse alteration, channelization, pollution, or increased erosion potential without degrading the resources downstream (i.e. Malibu Canyon and lagoon) ."

The open space easement required in Special Condition #4 is consistent with the County consultant's recommendation. In this area steep slopes rise up to 300' above the stream. Any development in this corner of the property could not help but create serious

EXHIBIT 42-a

CDP 4-00-190,191,192 (Trey Trus

Letter from David M. Brown fo

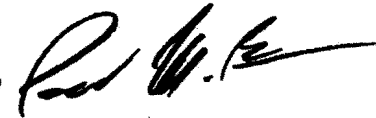
CDP 5-87-590 (Vinton) 1 of 3

page 2 (5-87-590)

erosion and siltation damage to the stream.

Should the applicant raise any last-minute concerns about the configuration of the open space easement, I have drawn onto Exhibit 2 the area that drains directly down a steep slope into Cold Creek. This entire area should be deed-restricted to open space to protect the integrity of Cold Creek and the Malibu Creek watershed.

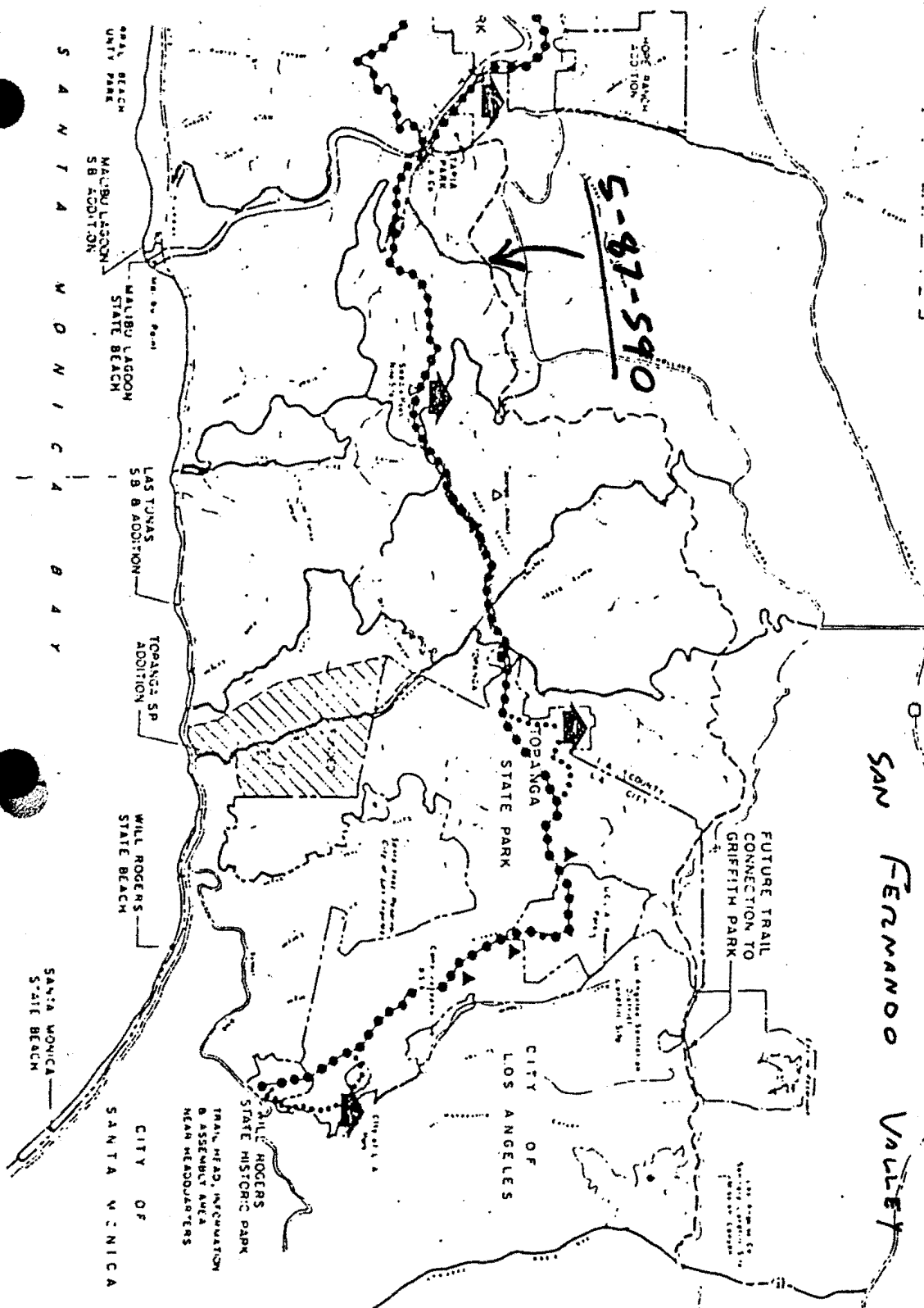
Sincerely,



David M. Brown

EXHIBIT 42-b
CDP 4-00-190,191,192 (Trey Trust)
Letter from David M. Brown for CDP 5-87-590 (Vinton) 2 of 3

IL PROJECT
AIL)



- LEGEND**
- STATE PARK LANDS
 - - - PROPOSED BACKBONE TRAIL
 - PROPOSED SECONDARY TRAIL
 - - - ▲ PROPOSED FUTURE CONNECTION
 - ▲ PROPOSED HOSTEL
 - ▲ PROPOSED PRIMITIVE CAMP

SAN FERNANDO VALLEY

SANTA MONICA MOUNTAINS TRAILS
BACK BONE TRAILS
WILL ROGERS STATE HISTORIC PARK
TO
POINT MUGO STATE PARK SEGMENT

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

APPROVED _____ DATE _____

REVISIONS
ADDED TRAILSIDE FACILITIES
DATE 7-15-77

DESIGNED
BY
DRAWN

EXHIBIT 42-c
CDP 4-00-190,191,192 (Trey Trust)
Letter from David M. Brown for
CDP 5-87-590 (Vinton) 3 of 3

Recording Requested by and
When Recorded Return to:

Mountains Restoration Trust
7050 Owensmouth Avenue, Suite 206
Canoga Park, California 91303
Attn: Mr. Steve Harris

(Space Above Line For Recorder's Stamp)

GRANT OF CONSERVATION EASEMENT

This Grant of Conservation Easement is executed as of the ____ day of _____, 2001 by James Lassiter and Harry Smith, trustees of the Trey Trust ("Grantor"), in favor of Mountains Restoration Trust, a California non-profit corporation ("Grantee").

Recitals

A. Grantor is the owner of that certain real property located in the unincorporated area of Los Angeles County, California, commonly known as 1401 Cold Canyon Road and more particularly described in Exhibit A attached hereto (the "Property").

B. Grantee is a publicly-supported, tax-exempt non-profit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code, and organized for the purpose of the preserving, protecting, and enhancing natural, ecologically significant, scenic and open-space areas.

C. Portions of the Property possesses natural, biological, and ecological values of significant importance to Grantor, Grantee, and the people of the County of Los Angeles, the State of California and the United States, which values are more particularly described in this grant of easement and are referred to herein as the "Conservation Values."

D. The Property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code (otherwise known as the California Coastal Act of 1976, and hereinafter referred to as the "Act").

E. The Act creates the California Coastal Commission (the "Commission") and requires that any development approved by the Commission must be consistent with the policies of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code.

F. Pursuant to the Act, Grantor applied to the Commission for a permit to undertake development (as defined in the Act) on the Property, and, in connection therewith, Grantor offered to grant an easement over that portion of the Property comprised of approximately 58.3 acres and more particularly described in Exhibit B attached hereto (the "Open Space Area").

G. On _____, 2001, the Commission, acting on behalf of the State of California and pursuant to the Act, granted coastal development permit numbers _____ and _____ (the "Permits"). In recognition of the offer of Grantor to grant the easement over the Open Space Area, the Permits are conditioned on the grant of an easement over the Open Space Area for the purpose of preserving the Conservation Values. Further, the Permits are conditioned on the Grantor's agreement to perform certain restoration of the Property more particularly described in the conditions to the Permits (the "Restoration").

H. In compliance with the conditions to the Permits, Grantor desires to grant to Grantee the easement over the Open Space Area, and Grantor and Grantee desire to set forth the terms of such easement.

Agreement

NOW THEREFORE, the parties agree as follows:

1. Grant Of Easement. Grantor hereby conveys to Grantee a perpetual conservation easement (the "Easement") over the Open Space Area, the scope of which Easement is more particularly described below.

2. Acceptance Of Easement. Grantee hereby accepts the grant of the Easement and agrees, subject to the rights of Grantor retained herein, to preserve and protect in perpetuity the Conservation Values of the Open Space Area for the benefit of the general public.

3. Conservation Values. Grantor and Grantee agree that the Open Space Area possesses Conservation Values which include the following:

- A. A scenic landscape and natural character which would be impaired by modification of the Property.
- B. There is a reasonable possibility that the Grantee may acquire other valuable property rights on nearby or adjacent properties to expand the Conservation Values preserved by this Easement.
- C. The Property is adjacent to other significant natural, biological, and ecologically significant properties.
- D. The Property includes watershed, oak woodlands, and other significant wildlife habitat that would be adversely impaired by modifications.
- E. The Property is home to many species of wildlife, including: _____.
- F. The Property provides vital corridor, wetlands and wildlife habitats which serve as a connection for wildlife movement and creates a natural "greenway" through the watershed of Cold Creek and its tributaries.

- G. The Property contains significant natural habitat in which wildlife, plants, or the ecosystems which support them, thrive in a natural state.

4. Baseline Documentation. Grantor has prepared and submitted to Grantee a "Baseline Documentation Report" covering the Open Space Area, which report consists of maps, a depiction of all existing human-made modifications, prominent vegetation, identification of flora and fauna, land use history, distinct natural features, and photographs. Grantee has approved the Baseline Documentation Report and agrees with Grantor that such report is an accurate representation of the Open Space Area at the time of the grant of the Easement.

5. Restriction On Grantor's Use Of Open Space Area. From and after the date of this grant of the Easement, Grantor shall be prohibited from using all or any portion of the Open Space Area for any purpose other than passive recreational use. Specifically, Grantor shall be prohibited from (i) placing or constructing, or permitting to be placed or constructed, any human-made modifications or improvements in the Open Space Area, including, without limitation, buildings, fences, roads and parking areas, (ii) conducting, or permitting the conduct of, any commercial activity within the Open Space Area, (iii) without limiting the foregoing, using, or permitting the use of, the Open Space Area, or any portion thereof, for agricultural purposes, including, without limitation, the planting or harvesting of grapes, fruit or other agricultural products, (iv) hunting or operating motorcycles or all terrain vehicles within the Open Space Area, and (v) altering, or permitting the alteration of, watercourses, surface features, trees, and vegetation within the Open Space Area (other than as expressly reserved in paragraphs 6 and 9, below).

6. Reservation Of Grantor's Rights. Subject to the prohibited uses described in paragraph 5, above, Grantor reserves ownership rights in and to the Open Space Easement. Without limiting the foregoing, Grantor shall have the right to (i) grant, convey, sell, mortgage, hypothecate, bequeath, donate or otherwise transfer or dispose of the Open Space Area, provided that any such transaction shall be subject to the Easement, and provided further that all successors to the Open Space Area, or any portion thereof, shall be bound in all respects by the terms of the Easement, (ii) utilize existing trails within the Open Space Area for recreational and security purposes, (iii) trim, prune or remove trees and vegetation if the same will enhance wildlife habitat or eliminate threat to human life or property, provided that the same is conducted in compliance with all applicable laws, ordinances and regulations.

7. Rights of Grantee. From time to time, Grantee shall have the right to enter the Open Space Area in order to inspect the same for purposes of ensuring compliance with the provisions of the Easement, and, if Grantee reasonably determines that there is an actual or threatened violation of the terms of the Easement, Grantee shall have the right to prevent the violation or to require any party who has damaged any portion of the Open Space Area by an activity that is prohibited by the terms of the Easement to restore the areas or features of the Open Space Area to the condition existing prior to the damage; provided, however, that Grantee's exercise of the foregoing rights must be conducted in strict accordance with the following:

EXHIBIT 43-c

CDP 4-00-190,191,192 (Trey Trust)

**Draft Conservation Easement
between the Applicant & MRT 3 of 7**

7.1 Grantee shall provide to Grantor, or Grantor's successors in interest, prior written notice of Grantee's desire to enter upon the Open Space Area, which notice shall specify the purpose for such entry and shall provide one or more dates and times at which Grantee proposes to conduct the entry.

7.2 Grantor shall, within a reasonable period of time following receipt of a notice of intended entry onto the Open Space Area, advise Grantee whether one or more of the dates and times specified in Grantee's notice is convenient to Grantor, and, if none of such dates and times is convenient, specifying alternative dates and times for such entry.

7.3 Grantor and Grantee shall exercise good faith in seeking to identify mutually acceptable dates and times for proposed entries onto the Open Space Easement.

7.4 All entries onto the Open Space Area by Grantee shall be at the dates and times to which Grantor has agreed in writing, shall be subject to supervision by Grantor or Grantor's personnel, and shall be conducted in such a manner as to avoid interference with Grantor's use and enjoyment of the Property. Without limiting the foregoing, Grantee acknowledges the fact that the Property is intended to be used by Grantor as a private, personal residence, and Grantee shall exercise all reasonable measures to respect the privacy of Grantor and any other occupants of the Property.

7.5 Grantee shall not have the right to bring onto the Open Space Area any third parties or to grant to others the right to enter onto the Open Space Area, other than wildlife or conservation professionals whom Grantee reasonably deems needed in order to conduct inspection of the Open Space Area and/or California Coastal Commission staff. Any third parties brought onto the Open Space Area in accordance with the foregoing shall enter only at the times permitted Grantee and shall be subject to the direct supervision of Grantee, who shall be responsible for the actions of such individuals.

7.6 If Grantee believes that Grantor has committed a violation of the Easement or that a violation is threatened, Grantee shall provide written notice of the same to Grantor, which written notice shall identify the violation, the corrective action that Grantee deems reasonably necessary, and a reasonable time frame for the corrective action. If Grantor does not implement corrective measures in the manner reasonably requested by Grantee, Grantee may bring an action in law or in equity to enforce the terms of the Easement.

7.7 Other than entries to inspect when Grantee has reason to believe that a term of the Easement has been violated and entries to review corrective measures following a violation of the Easement, Grantee shall not seek to conduct entries onto the Open Space Area more than once every twelve months.

7.8 Except for the rights of entry specifically authorized above, Grantee shall have no right to use or occupy or to permit the use or occupancy of the Open Space Area or any portion thereof.

8. Cessation of Existence. If Grantee shall cease to exist, or if it fails to be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3), or if it is no longer authorized to acquire and hold conservation easements, then the Easement shall become vested in another entity selected by Grantee and reasonably approved by Grantor. Such entity shall be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3). Grantee shall execute such instrument as may be reasonably required in order to effect the assignment to such alternate entity or a government agency.

9. Restoration. Notwithstanding the restrictions set forth in paragraph 5, above, nothing in this Agreement is intended to impair or excuse Grantor from the conduct of the Restoration. All work reasonably required to complete the Restoration shall be permitted within the Open Space Area.

10. Taxes and Assessments. The payment of all real property taxes and assessments levied or assessed against the Property shall be the obligation of the owner of the Property. It is intended that this irrevocable offer and the use restrictions contained herein shall constitute enforceable restrictions within the meaning of (a) Article XIII, Section 8 of the California Constitution, and (b) Section 402.1 of the California Revenue and Taxation Code or successor statute. Furthermore, the Easement shall be deemed to constitute a servitude upon and burden to the Property within the meaning of Section 3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

11. Notices. Any notice, request, demand, instruction or other document to be given hereunder or pursuant hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested as follows:

If to Grantor:

James Lassiter and Harry Smith, trustees of the Trey Trust
c/o Gelfand, Rennert & Feldman
1880 Century Park East, #1600
Los Angeles, California 90067
Attn: Todd Gelfand

If to Grantee:

Mountains Restoration Trust
7050 Owensmouth Avenue, Suite 206
Canoga Park, California 91303
Attn: Mr. Steve Harris

Notice shall be deemed to have been given upon personal delivery or, if mailed, forty-eight hours after being deposited in the United States mail as aforesaid. The addressees for purposes of this paragraph may be changed by giving written notice of such change in the manner provided

herein for giving notice. Unless and until such written notice is received, the last address and addressee stated by written notice, or provided herein if no written change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

12. Entire Agreement. This agreement is intended by the parties as a final expression and a complete and exclusive statement of the entire agreement of the parties with respect to the subject matter hereof, and as such, this agreement supersedes all prior understandings and agreements, whether oral or in writing, between the parties respecting the subject matter of this agreement.

13. Severability. In the event any portion of this agreement shall be declared by any court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be severed from this agreement, and the remaining parts hereof will remain in full force and effect, as fully as if such invalid, illegal or unenforceable portion had never been part of this agreement.

14. Amendments. This agreement may be amended at any time only by the written agreement of Grantor and Grantee. All amendments, changes, revisions and discharges of this agreement, in whole or in part, and from time to time, shall not be binding upon the parties unless the same is in writing and executed by the parties.

15. Successors and Assigns. The Easement and the rights and obligations of Grantor and Grantee hereunder shall be binding upon, and enforceable by and shall inure to the benefit of the successors and assigns of the parties hereto.

16. Construction; Choice of Law. This agreement shall be construed fairly and equally as to Grantor and Grantee and without regard to which party drafted the same. Section headings contained in this agreement are for the purposes of reference and convenience only and shall not limit or otherwise affect the meaning hereof. This agreement shall be governed by and construed and enforced in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

Grantor:

James Lassiter, trustee of the Trey Trust

Harry Smith, trustee of the Trey Trust

Grantee:

Mountains Restoration Trust,
a California non-profit corporation

By: _____
Name: _____
Title: _____